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*DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND
RELATED PROGRAMS APPROPRIATIONS ACT, 2005*



1 TITLE I—EXPORT AND INVESTMENT
2 ASSISTANCE

3 EXPORT-IMPORT BANK OF THE UNITED STATES

4 The Export-Import Bank of the United States is au-
5 thorized to make such expenditures within the limits of
6 funds and borrowing authority available to such corpora-
7 tion, and in accordance with law, and to make such con-
8 tracts and commitments without regard to fiscal year limi-
9 tations, as provided by section 104 of the Government
10 Corporation Control Act, as may be necessary in carrying
11 out the program for the current fiscal year for such cor-
12 poration: *Provided*, That none of the funds available dur-
13 ing the current fiscal year may be used to make expendi-
14 tures, contracts, or commitments for the export of nuclear
15 equipment, fuel, or technology to any country, other than
16 a nuclear-weapon state as defined in Article IX of the
17 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
18 ble to receive economic or military assistance under this
19 Act, that has detonated a nuclear explosive after the date
20 of the enactment of this Act: *Provided further*, That not-
21 withstanding section 1(c) of Public Law 103-428, as
22 amended, sections 1(a) and (b) of Public Law 103-428
23 shall remain in effect through October 1, 2005.

24 SUBSIDY APPROPRIATION

25 For the cost of direct loans, loan guarantees, insur-
26 ance, and tied-aid grants as authorized by section 10 of

1 the Export-Import Bank Act of 1945, as amended,
2 \$59,800,000, to remain available until September 30,
3 2008: *Provided*, That such costs, including the cost of
4 modifying such loans, shall be as defined in section 502
5 of the Congressional Budget Act of 1974: *Provided fur-*
6 *ther*, That such sums shall remain available until Sep-
7 tember 30, 2023 for the disbursement of direct loans, loan
8 guarantees, insurance and tied-aid grants obligated in fis-
9 cal years 2005, 2006, 2007, and 2008: *Provided further*,
10 That none of the funds appropriated by this Act or any
11 prior Act appropriating funds for foreign operations, ex-
12 port financing, and related programs for tied-aid credits
13 or grants may be used for any other purpose except
14 through the regular notification procedures of the Com-
15 mittees on Appropriations: *Provided further*, That funds
16 appropriated by this paragraph are made available not-
17 withstanding section 2(b)(2) of the Export-Import Bank
18 Act of 1945, in connection with the purchase or lease of
19 any product by any Eastern European country, any Baltic
20 State or any agency or national thereof: *Provided further*,
21 That not later than 30 days after the date of enactment
22 of this Act, the Export-Import Bank shall submit a report
23 to the Committees on Appropriations of the House of Rep-
24 resentatives and the Senate, containing an analysis of the
25 economic impact on United States producers of ethanol

1 of the extension of credit and financial guarantees for the
2 development of an ethanol dehydration plant in Trinidad
3 and Tobago, including a determination of whether such
4 extension will cause substantial injury to such producers,
5 as defined in section 2(e)(4) of the Export-Import Bank
6 Act of 1945 (12 U.S.C. 635(e)(4)).

7 ADMINISTRATIVE EXPENSES

8 For administrative expenses to carry out the direct
9 and guaranteed loan and insurance programs, including
10 hire of passenger motor vehicles and services as authorized
11 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
12 reception and representation expenses for members of the
13 Board of Directors, \$73,200,000: *Provided*, That the Ex-
14 port-Import Bank may accept, and use, payment or serv-
15 ices provided by transaction participants for legal, finan-
16 cial, or technical services in connection with any trans-
17 action for which an application for a loan, guarantee or
18 insurance commitment has been made: *Provided further*,
19 That, notwithstanding subsection (b) of section 117 of the
20 Export Enhancement Act of 1992, subsection (a) thereof
21 shall remain in effect until October 1, 2005.

22 OVERSEAS PRIVATE INVESTMENT CORPORATION

23 NONCREDIT ACCOUNT

24 The Overseas Private Investment Corporation is au-
25 thorized to make, without regard to fiscal year limitations,
26 as provided by 31 U.S.C. 9104, such expenditures and

1 commitments within the limits of funds available to it and
2 in accordance with law as may be necessary: *Provided*,
3 That the amount available for administrative expenses to
4 carry out the credit and insurance programs (including an
5 amount for official reception and representation expenses
6 which shall not exceed \$35,000) shall not exceed
7 \$42,885,000: *Provided further*, That project-specific trans-
8 action costs, including direct and indirect costs incurred
9 in claims settlements, and other direct costs associated
10 with services provided to specific investors or potential in-
11 vestors pursuant to section 234 of the Foreign Assistance
12 Act of 1961, shall not be considered administrative ex-
13 penses for the purposes of this heading.

14 PROGRAM ACCOUNT

15 For the cost of direct and guaranteed loans,
16 \$24,000,000, as authorized by section 234 of the Foreign
17 Assistance Act of 1961, to be derived by transfer from
18 the Overseas Private Investment Corporation Non-Credit
19 Account: *Provided*, That such costs, including the cost of
20 modifying such loans, shall be as defined in section 502
21 of the Congressional Budget Act of 1974: *Provided fur-*
22 *ther*, That such sums shall be available for direct loan obli-
23 gations and loan guaranty commitments incurred or made
24 during fiscal years 2005 and 2006: *Provided further*, That
25 such sums shall remain available through fiscal year 2013
26 for the disbursement of direct and guaranteed loans obli-

1 gated in fiscal year 2005, and through fiscal year 2014
2 for the disbursement of direct and guaranteed loans obli-
3 gated in fiscal year 2006: *Provided further*, That notwith-
4 standing any other provision of law, the Overseas Private
5 Investment Corporation is authorized to undertake any
6 program authorized by title IV of the Foreign Assistance
7 Act of 1961 in Iraq: *Provided further*, That funds made
8 available pursuant to the authority of the previous proviso
9 shall be subject to the regular notification procedures of
10 the Committees on Appropriations.

11 In addition, such sums as may be necessary for ad-
12 ministrative expenses to carry out the credit program may
13 be derived from amounts available for administrative ex-
14 penses to carry out the credit and insurance programs in
15 the Overseas Private Investment Corporation Noncredit
16 Account and merged with said account.

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 TRADE AND DEVELOPMENT AGENCY

19 For necessary expenses to carry out the provisions
20 of section 661 of the Foreign Assistance Act of 1961,
21 \$51,500,000, to remain available until September 30,
22 2006.

1 TITLE II—BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 For expenses necessary to enable the President to
4 carry out the provisions of the Foreign Assistance Act of
5 1961, and for other purposes, to remain available until
6 September 30, 2005, unless otherwise specified herein, as
7 follows:

8 UNITED STATES AGENCY FOR INTERNATIONAL
9 DEVELOPMENT

10 CHILD SURVIVAL AND HEALTH PROGRAMS FUND
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of chapters 1 and 10 of part I of the Foreign Assistance
14 Act of 1961, for child survival, health, and family plan-
15 ning/reproductive health activities, in addition to funds
16 otherwise available for such purposes, \$1,550,000,000, to
17 remain available until September 30, 2006: *Provided,*
18 That this amount shall be made available for such activi-
19 ties as: (1) immunization programs; (2) oral rehydration
20 programs; (3) health, nutrition, water and sanitation pro-
21 grams which directly address the needs of mothers and
22 children, and related education programs; (4) assistance
23 for children displaced or orphaned by causes other than
24 AIDS; (5) programs for the prevention, treatment, control
25 of, and research on HIV/AIDS, tuberculosis, polio, ma-
26 laria, and other infectious diseases, and for assistance to

1 communities severely affected by HIV/AIDS, including
2 children displaced or orphaned by AIDS; and (6) family
3 planning/reproductive health: *Provided further*, That none
4 of the funds appropriated under this heading may be made
5 available for nonproject assistance, except that funds may
6 be made available for such assistance for ongoing health
7 activities: *Provided further*, That of the funds appropriated
8 under this heading, not to exceed \$250,000, in addition
9 to funds otherwise available for such purposes, may be
10 used to monitor and provide oversight of child survival,
11 maternal and family planning/reproductive health, and in-
12 fectious disease programs: *Provided further*, That the fol-
13 lowing amounts should be allocated as follows:
14 \$345,000,000 for child survival and maternal health;
15 \$30,000,000 for vulnerable children; \$350,000,000 for
16 HIV/AIDS including not less than \$30,000,000 to support
17 the development of microbicides as a means for combating
18 HIV/AIDS; \$200,000,000 for other infectious diseases;
19 and \$375,000,000 for family planning/reproductive health,
20 including in areas where population growth threatens bio-
21 diversity or endangered species: *Provided further*, That of
22 the funds appropriated under this heading, and in addition
23 to funds allocated under the previous proviso, not less
24 than \$250,000,000 shall be made available, notwith-
25 standing any other provision of law, except for the United

1 States Leadership Against HIV/AIDS, Tuberculosis and
2 Malaria Act of 2003 (Public Law 108–25), for a United
3 States contribution to the Global Fund to Fight AIDS,
4 Tuberculosis and Malaria (the “Global Fund”), and shall
5 be expended at the minimum rate necessary to make time-
6 ly payment for projects and activities: *Provided further*,
7 That of the funds appropriated under this heading in the
8 Foreign Operations, Export Financing, and Related Pro-
9 grams Appropriations Act, 2004, that were withheld from
10 obligation to the Global Fund, not less than \$87,800,000
11 shall be made available to the Global Fund, notwith-
12 standing section 202(d)(4) of Public Law 108–25 which
13 required such withholding from the Global Fund in fiscal
14 year 2004: *Provided further*, That the funds made avail-
15 able in the previous proviso shall be subject to any with-
16 holding required by section 202(d)(4) of Public Law 108–
17 25 for contributions made to the Global Fund in fiscal
18 year 2005: *Provided further*, That up to 5 percent of the
19 aggregate amount of funds made available to the Global
20 Fund in fiscal year 2005 may be made available to the
21 United States Agency for International Development for
22 technical assistance related to the activities of the Global
23 Fund: *Provided further*, That of the funds appropriated
24 under this heading that are available for HIV/AIDS pro-
25 grams and activities, not less than \$27,000,000 should be

1 made available for the International AIDS Vaccine Initia-
2 tive: *Provided further*, That of the funds appropriated
3 under this heading, \$65,000,000 should be made available
4 for a United States contribution to The Vaccine Fund,
5 and up to \$6,000,000 may be transferred to and merged
6 with funds appropriated by this Act under the heading
7 "Operating Expenses of the United States Agency for
8 International Development" for costs directly related to
9 international health, but funds made available for such
10 costs may not be derived from amounts made available
11 for contribution under this and preceding provisos: *Pro-*
12 *vided further*, That none of the funds made available in
13 this Act nor any unobligated balances from prior appro-
14 priations may be made available to any organization or
15 program which, as determined by the President of the
16 United States, supports or participates in the manage-
17 ment of a program of coercive abortion or involuntary
18 sterilization: *Provided further*, That none of the funds
19 made available under this Act may be used to pay for the
20 performance of abortion as a method of family planning
21 or to motivate or coerce any person to practice abortions:
22 ~~*Provided further*, That restrictions with respect to assist-~~
23 ~~ance provided with funds appropriated by this Act for~~
24 ~~HIV/AIDS, family planning, or child survival and health~~
25 ~~activities shall not be construed to restrict assistance in~~

1 ~~support of programs to expand the availability and use~~
2 ~~of condoms for HIV/AIDS prevention and of contracep-~~
3 ~~tives to reduce the incidence of abortion.~~ *Provided further,*
4 That nothing in this paragraph shall be construed to alter
5 any existing statutory prohibitions against abortion under
6 section 104 of the Foreign Assistance Act of 1961: *Pro-*
7 ~~vided further, That none of the funds made available in~~
8 ~~this Act nor any unobligated balances from prior appro-~~
9 ~~priations may be made available to any organization or~~
10 ~~program which, as determined by the President of the~~
11 ~~United States, directly supports coercive abortion or invol-~~
12 ~~untary sterilization: *Provided further,* That the previous~~
13 ~~proviso shall not be construed to deny funding to any or-~~
14 ~~ganization or program solely because the government of~~
15 ~~a country engages in coercive abortion or involuntary ster-~~
16 ~~ilization: *Provided further,* That none of the funds made~~
17 ~~available under this Act may be used to pay for the per-~~
18 ~~formance of abortion as a method of family planning or~~
19 ~~to motivate or coerce any person to practice abortions.~~
20 *Provided further,* That none of the funds made available
21 under this Act may be used to lobby for or against abor-
22 tion: *Provided further,* That in order to reduce reliance on
23 abortion in developing nations, funds shall be available
24 only to voluntary family planning projects which offer, ei-
25 ther directly or through referral to, or information about

1 access to, a broad range of family planning methods and
2 services, and that any such voluntary family planning
3 project shall meet the following requirements: (1) service
4 providers or referral agents in the project shall not imple-
5 ment or be subject to quotas, or other numerical targets,
6 of total number of births, number of family planning ac-
7 ceptors, or acceptors of a particular method of family
8 planning (this provision shall not be construed to include
9 the use of quantitative estimates or indicators for budg-
10 eting and planning purposes); (2) the project shall not in-
11 clude payment of incentives, bribes, gratuities, or financial
12 reward to: (A) an individual in exchange for becoming a
13 family planning acceptor; or (B) program personnel for
14 achieving a numerical target or quota of total number of
15 births, number of family planning acceptors, or acceptors
16 of a particular method of family planning; (3) the project
17 shall not deny any right or benefit, including the right of
18 access to participate in any program of general welfare
19 or the right of access to health care, as a consequence
20 of any individual's decision not to accept family planning
21 services; (4) the project shall provide family planning ac-
22 ceptors comprehensible information on the health benefits
23 and risks of the method chosen, including those conditions
24 that might render the use of the method inadvisable and
25 those adverse side effects known to be consequent to the

1 use of the method; and (5) the project shall ensure that
2 experimental contraceptive drugs and devices and medical
3 procedures are provided only in the context of a scientific
4 study in which participants are advised of potential risks
5 and benefits; and, not less than 60 days after the date
6 on which the Administrator of the United States Agency
7 for International Development determines that there has
8 been a violation of the requirements contained in para-
9 graph (1), (2), (3), or (5) of this proviso, or a pattern
10 or practice of violations of the requirements contained in
11 paragraph (4) of this proviso, the Administrator shall sub-
12 mit to the Committees on Appropriations a report con-
13 taining a description of such violation and the corrective
14 action taken by the Agency: *Provided further*, That in
15 awarding grants for natural family planning under section
16 104 of the Foreign Assistance Act of 1961 no applicant
17 shall be discriminated against because of such applicant's
18 religious or conscientious commitment to offer only nat-
19 ural family planning; and, additionally, all such applicants
20 shall comply with the requirements of the previous proviso:
21 *Provided further*, That for purposes of this or any other
22 Act authorizing or appropriating funds for foreign oper-
23 ations, export financing, and related programs, the term
24 "motivate", as it relates to family planning assistance,
25 shall not be construed to prohibit the provision, consistent

1 with local law, of information or counseling about all preg-
2 nancy options: *Provided further*, That to the maximum ex-
3 tent feasible, taking into consideration cost, timely avail-
4 ability, and best health practices, funds appropriated in
5 this Act that are made available for condom procurement
6 shall be made available only for the procurement of
7 condoms manufactured in the United States: *Provided fur-*
8 *ther*, That information provided about the use of condoms
9 as part of projects or activities that are funded from
10 amounts appropriated by this Act shall be medically accu-
11 rate and shall include the public health benefits and fail-
12 ure rates of such use.

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13 DEVELOPMENT ASSISTANCE

14 For necessary expenses of the United States Agency
15 for International Development to carry out the provisions
16 of sections 103, 105, 106, and 131, and chapter 10 of
17 part I of the Foreign Assistance Act of 1961,
18 \$1,460,000,000, to remain available until September 30,
19 2006: *Provided*, That \$194,000,000 should be allocated
20 for trade capacity building: *Provided further*, That
21 \$300,000,000 should be allocated for basic education: *Pro-*
22 *vided further*, That of the funds appropriated under this
23 heading and managed by the United States Agency for
24 International Development Bureau of Democracy, Con-
25 flict, and Humanitarian Assistance, not less than
26 \$15,000,000 shall be made available only for programs to

1 improve women's leadership capacity in recipient coun-
2 tries: *Provided further*, That such funds may not be made
3 available for construction: *Provided further*, That of the
4 aggregate amount of the funds appropriated by this Act
5 that are made available for agriculture and rural develop-
6 ment programs, \$25,000,000 should be made available for
7 plant biotechnology research and development: *Provided*
8 *further*, That not less than \$2,300,000 should be made
9 available for core support for the International Fertilizer
10 Development Center: *Provided further*, That of the funds
11 appropriated under this heading, not less than
12 \$20,000,000 should be made available for the American
13 Schools and Hospitals Abroad program: *Provided further*,
14 That of the funds appropriated under this heading that
15 are made available for assistance programs for displaced
16 and orphaned children and victims of war, not to exceed
17 \$37,500, in addition to funds otherwise available for such
18 purposes, may be used to monitor and provide oversight
19 of such programs: *Provided further*, That funds appro-
20 priated under this heading should be made available for
21 programs in sub-Saharan Africa to address sexual and
22 gender-based violence: *Provided further*, That of the funds
23 appropriated under this heading, \$2,000,000 should be
24 made available to develop clean water treatment activities
25 in developing countries: *Provided further*, That of the

1 funds appropriated by this Act, \$100,000,000 shall be
2 made available for drinking water supply projects and re-
3 lated activities.

4 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

5 For necessary expenses of the United States Agency
6 for International Development to carry out the provisions
7 of section 491 of the Foreign Assistance Act of 1961 for
8 international disaster relief, rehabilitation, and recon-
9 struction assistance, \$335,500,000, to remain available
10 until expended.

11 In addition, for necessary expenses for assistance for
12 famine prevention and relief, including for mitigation of
13 the effects of famine, ~~up to~~ ^{to} \$34,500,000, to remain avail-
14 able until expended: *Provided*, That such funds shall be
15 made available utilizing the general authorities of section
16 491 of the Foreign Assistance Act of 1961, and shall be
17 in addition to amounts otherwise available for such pur-
18 poses: *Provided further*, That funds appropriated by this
19 paragraph shall be available for obligation subject to prior
20 consultation with the Committees on Appropriations.

21 TRANSITION INITIATIVES

22 For necessary expenses for international disaster re-
23 habilitation and reconstruction assistance pursuant to sec-
24 tion 491 of the Foreign Assistance Act of 1961,
25 \$49,000,000, to remain available until expended, to sup-
26 port transition to democracy and to long-term develop-

1 ment of countries in crisis: *Provided*, That such support
2 may include assistance to develop, strengthen, or preserve
3 democratic institutions and processes, revitalize basic in-
4 frastructure, and foster the peaceful resolution of conflict:
5 *Provided further*, That the United States Agency for Inter-
6 national Development shall submit a report to the Com-
7 mittees on Appropriations at least 5 days prior to begin-
8 ning a new program of assistance: *Provided further*, That
9 if the President determines that is important to the na-
10 tional interests of the United States to provide transition
11 assistance in excess of the amount appropriated under this
12 heading, up to \$15,000,000 of the funds appropriated by
13 this Act to carry out the provisions of part I of the For-
14 eign Assistance Act of 1961 may be used for purposes of
15 this heading and under the authorities applicable to funds
16 appropriated under this heading: *Provided further*, That
17 funds made available pursuant to the previous proviso
18 shall be made available subject to prior consultation with
19 the Committees on Appropriations.

20 DEVELOPMENT CREDIT AUTHORITY

21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of direct loans and loan guarantees pro-
23 vided by the United States Agency for International De-
24 velopment, as authorized by sections 108 and 635 of the
25 Foreign Assistance Act of 1961, funds may be derived by
26 transfer from funds appropriated by this Act to carry out

1 part I of such Act and under the heading "Assistance for
2 Eastern Europe and the Baltic States": *Provided*, That
3 such funds shall not exceed \$21,000,000, which shall be
4 made available only for micro and small enterprise pro-
5 grams, urban programs, and other programs which fur-
6 ther the purposes of part I of the Act: *Provided further*,
7 That such costs, including the cost of modifying such di-
8 rect and guaranteed loans, shall be as defined in section
9 502 of the Congressional Budget Act of 1974, as amend-
10 ed: *Provided further*, That funds made available by this
11 paragraph may be used for the cost of modifying any such
12 guaranteed loans under this Act or prior Acts, and funds
13 used for such costs shall be subject to the regular notifica-
14 tion procedures of the Committees on Appropriations: *Pro-*
15 *vided further*, That the provisions of section 107A(d) (re-
16 lating to general provisions applicable to the Development
17 Credit Authority) of the Foreign Assistance Act of 1961,
18 as contained in section 306 of H.R. 1486 as reported by
19 the House Committee on International Relations on May
20 9, 1997, shall be applicable to direct loans and loan guar-
21 antees provided under this heading.

22 In addition, for administrative expenses to carry out
23 credit programs administered by the United States Agency
24 for International Development, \$8,000,000, which may be
25 transferred to and merged with the appropriation for Op-

1 erating Expenses of the United States Agency for Inter-
2 national Development: *Provided*, That funds made avail-
3 able under this heading shall remain available until Sep-
4 tember 30, 2007.

5 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
6 DISABILITY FUND

7 For payment to the "Foreign Service Retirement and
8 Disability Fund", as authorized by the Foreign Service
9 Act of 1980, \$42,500,000.

10 OPERATING EXPENSES OF THE UNITED STATES AGENCY
11 FOR INTERNATIONAL DEVELOPMENT

12 For necessary expenses to carry out the provisions
13 of section 667 of the Foreign Assistance Act of 1961,
14 \$618,000,000, of which up to \$25,000,000 may remain
15 available until September 30, 2006: *Provided*, That none
16 of the funds appropriated under this heading and under
17 the heading "Capital Investment Fund" may be made
18 available to finance the construction (including architect
19 and engineering services), purchase, or long-term lease of
20 offices for use by the United States Agency for Inter-
21 national Development, unless the Administrator has iden-
22 tified such proposed construction (including architect and
23 engineering services), purchase, or long-term lease of of-
24 fices in a report submitted to the Committees on Appro-
25 priations at least 15 days prior to the obligation of these
26 funds for such purposes: *Provided further*, That the pre-

1 vious proviso shall not apply where the total cost of con-
2 struction (including architect and engineering services),
3 purchase, or long-term lease of offices does not exceed
4 \$1,000,000: *Provided further*, That contracts or agree-
5 ments entered into with funds appropriated under this
6 heading may entail commitments for the expenditure of
7 such funds through fiscal year 2006: *Provided further*,
8 That none of the funds in this Act may be used to open
9 a new overseas mission of the United States Agency for
10 International Development without the prior written noti-
11 fication of the Committees on Appropriations: *Provided*
12 *further*, That the authority of sections 610 and 109 of the
13 Foreign Assistance Act of 1961 may be exercised by the
14 Secretary of State to transfer funds appropriated to carry
15 out chapter 1 of part I of such Act to "Operating Ex-
16 penses of the United States Agency for International De-
17 velopment" in accordance with the provisions of those sec-
18 tions.

19 CAPITAL INVESTMENT FUND

20 For necessary expenses for overseas construction and
21 related costs, and for the procurement and enhancement
22 of information technology and related capital investments,
23 pursuant to section 667 of the Foreign Assistance Act of
24 1961, \$59,000,000, to remain available until expended:
25 *Provided*, That this amount is in addition to funds other-
26 wise available for such purposes: *Provided further*, That

1 funds appropriated under this heading shall be available
2 for obligation only pursuant to the regular notification
on 3 procedures of the Committees² of Appropriations: *Provided*
4 *further*, That of the amounts appropriated under this
5 heading, not to exceed \$19,709,000 may be made available
6 for the purposes of implementing the Capital Security
7 Cost Sharing Program.

8 OPERATING EXPENSES OF THE UNITED STATES AGENCY
9 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
10 SPECTOR GENERAL

11 For necessary expenses to carry out the provisions
12 of section 667 of the Foreign Assistance Act of 1961,
13 \$35,000,000, to remain available until September 30,
14 2006, which sum shall be available for the Office of the
15 Inspector General of the United States Agency for Inter-
16 national Development.

17 OTHER BILATERAL ECONOMIC ASSISTANCE
18 ECONOMIC SUPPORT FUND

19 For necessary expenses to carry out the provisions
20 of chapter 4 of part II, ~~\$2,470,000,000~~, to remain avail- ^{\$ 2,482,500,000}
21 able until September 30, 2006: *Provided*, That of the
22 funds appropriated under this heading, not less than
23 \$360,000,000 shall be available only for Israel, which sum
24 shall be available on a grant basis as a cash transfer and
25 shall be disbursed within 30 days of the enactment of this
26 Act: *Provided further*, That not less than \$535,000,000

1 shall be available only for Egypt, which sum shall be pro-
2 vided on a grant basis, and of which sum cash transfer
3 assistance shall be provided with the understanding that
4 Egypt will undertake significant economic reforms which
5 are additional to those which were undertaken in previous
6 fiscal years, and of which \$200,000,000 should be pro-
7 vided as Commodity Import Program assistance: *Provided*
8 *further*, That with respect to the provision of assistance
9 for Egypt for democracy and governance activities, the or-
10 ganizations implementing such assistance and the specific
11 nature of that assistance shall not be subject to the prior
12 approval by the Government of Egypt: *Provided further*,
13 That in exercising the authority to provide cash transfer
14 assistance for Israel, the President shall ensure that the
15 level of such assistance does not cause an adverse impact
16 on the total level of nonmilitary exports from the United
17 States to such country and that Israel enters into a side
18 letter agreement in an amount proportional to the fiscal
19 year 1999 agreement: *Provided further*, That of the funds
20 appropriated under this heading, not less than
21 \$250,000,000 should be made available only for assistance
22 for Jordan: *Provided further*, That \$13,500,000 of the
23 funds appropriated under this heading shall be made avail-
24 able for Cyprus to be used only for scholarships, adminis-
25 trative support of the scholarship program, bicommunal

1 projects, and measures aimed at reunification of the island
2 and designed to reduce tensions and promote peace and
3 cooperation between the two communities on Cyprus: *Pro-*
4 *vided further*, That \$35,000,000 of the funds appropriated
5 under this heading shall be made available for assistance
6 for Lebanon, of which not less than \$4,000,000 should
7 be made available for scholarships and direct support of
8 American educational institutions in Lebanon: *Provided*
9 *further*, That funds appropriated under this heading may
10 be used, notwithstanding any other provision of law, to
11 provide assistance to the National Democratic Alliance of
12 Sudan to strengthen its ability to protect civilians from
13 attacks, slave raids, and aerial bombardment by the Suda-
14 nese Government forces and its militia allies, and the pro-
15 vision of such funds shall be subject to the regular notifi-
16 cation procedures of the Committees on Appropriations:
17 *Provided further*, That in the previous proviso, the term
18 “assistance” includes non-lethal, non-food aid such as
19 blankets, medicine, fuel, mobile clinics, water drilling
20 equipment, communications equipment to notify civilians
21 of aerial bombardment, non-military vehicles, tents, and
22 shoes: *Provided further*, That not to exceed \$200,000,000
23 of the funds appropriated under this heading may be used
24 for the costs, as defined in section 502 of the Congres-
25 sional Budget Act of 1974, of modifying direct loans and

1 guarantees for Pakistan: *Provided further*, That amounts
2 that are made available under the previous proviso for the
3 costs of modifying direct loans and guarantees shall not
4 be considered “assistance” for the purposes of provisions
5 of law limiting assistance to a country: *Provided further*,
6 That of the funds appropriated under this heading, not
7 less than \$22,000,000 shall be made available for assist-
8 ance for the Democratic Republic of Timor-Leste, of which
9 up to \$1,000,000 may be available for administrative ex-
10 penses of the United States Agency for International De-
11 velopment: *Provided further*, That of the funds available
12 under this heading for assistance for Indonesia,
13 \$3,000,000 should be made available to promote freedom
14 of the media in Indonesia: *Provided further*, That of the
15 funds appropriated under this heading, \$5,000,000 shall
16 be made available to continue to support the provision of
17 wheelchairs for needy persons in developing countries:
18 *Provided further*, That funds appropriated under this
19 heading that are made available for a Middle East Financ-
20 ing Facility, Middle East Enterprise Fund, or any other
21 similar entity in the Middle East shall be subject to the
22 regular notification procedures of the Committees on Ap-
23 propriations: *Provided further*, That with respect to funds
24 appropriated under this heading in this Act or prior Acts
25 making appropriations for foreign operations, export fi-

1 nancing, and related programs, the responsibility for pol-
2 icy decisions and justifications for the use of such funds,
3 including whether there will be a program for a country
4 that uses those funds and the amount of each such pro-
5 gram, shall be the responsibility of the Secretary of State
6 and the Deputy Secretary of State and this responsibility
7 shall not be delegated.

8 INTERNATIONAL FUND FOR IRELAND

9 For necessary expenses to carry out the provisions
10 of chapter 4 of part II of the Foreign Assistance Act of
11 1961, \$18,500,000, which shall be available for the United
12 States contribution to the International Fund for Ireland
13 and shall be made available in accordance with the provi-
14 sions of the Anglo-Irish Agreement Support Act of 1986
15 (Public Law 99-415): *Provided*, That such amount shall
16 be expended at the minimum rate necessary to make time-
17 ly payment for projects and activities: *Provided further*,
18 That funds made available under this heading shall re-
19 main available until September 30, 2006.

20 ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC
21 STATES

22 (a) For necessary expenses to carry out the provisions
23 of the Foreign Assistance Act of 1961 and the Support
24 for East European Democracy (SEED) Act of 1989,
25 \$396,600,000, to remain available until September 30,
26 2006, which shall be available, notwithstanding any other

1 provision of law, for assistance and for related programs
2 for Eastern Europe and the Baltic States: *Provided*, That
3 of the funds appropriated under this heading that are
4 made available for assistance for Bulgaria, \$2,000,000
5 should be made available to enhance safety at nuclear
6 power plants.

7 (b) Funds appropriated under this heading shall be
8 considered to be economic assistance under the Foreign
9 Assistance Act of 1961 for purposes of making available
10 the administrative authorities contained in that Act for
11 the use of economic assistance.

12 (c) The provisions of section 529 of this Act shall
13 apply to funds appropriated under this heading: *Provided*,
14 That notwithstanding any provision of this or any other
15 Act, including provisions in this subsection regarding the
16 application of section 529 of this Act, local currencies gen-
17 erated by, or converted from, funds appropriated by this
18 Act and by previous appropriations Acts and made avail-
19 able for the economic revitalization program in Bosnia
20 may be used in Eastern Europe and the Baltic States to
21 carry out the provisions of the Foreign Assistance Act of
22 1961 and the Support for East European Democracy
23 (SEED) Act of 1989.

24 (d) The President is authorized to withhold funds ap-
25 propriated under this heading made available for economic

1 revitalization programs in Bosnia and Herzegovina, if he
2 determines and certifies to the Committees on Appropria-
3 tions that the Federation of Bosnia and Herzegovina has
4 not complied with article III of annex 1-A of the General
5 Framework Agreement for Peace in Bosnia and
6 Herzegovina concerning the withdrawal of foreign forces,
7 and that intelligence cooperation on training, investiga-
8 tions, and related activities between state sponsors of ter-
9 rorism and terrorist organizations and Bosnian officials
10 has not been terminated.

11 ASSISTANCE FOR THE INDEPENDENT STATES OF THE
12 FORMER SOVIET UNION

13 (a) For necessary expenses to carry out the provisions
14 of chapters 11 and 12 of part I of the Foreign Assistance
15 Act of 1961 and the FREEDOM Support Act, for assist-
16 ance for the Independent States of the former Soviet
17 Union and for related programs, \$560,000,000, to remain
18 available until September 30, 2006: *Provided*, That the
19 provisions of such chapters shall apply to funds appro-
20 priated by this paragraph: *Provided further*, That funds
21 made available for the Southern Caucasus region may be
22 used, notwithstanding any other provision of law, for con-
23 fidence-building measures and other activities in further-
24 ance of the peaceful resolution of the regional conflicts,
25 especially those in the vicinity of Abkhazia and Nagorno-
26 Karabagh: *Provided further*, That of the funds appro-

1 priated under this heading, \$3,859,000 should be available
2 only to meet the health and other assistance needs of vic-
3 tims of trafficking in persons: *Provided further*, That of
4 the funds appropriated under this heading, \$17,500,000
5 shall be made available solely for assistance for the Rus-
6 sian Far East: *Provided further*, That, notwithstanding
7 any other provision of law, funds appropriated under this
8 heading in this Act or prior Acts making appropriations
9 for foreign operations, export financing, and related pro-
10 grams, that are made available pursuant to the provisions
11 of section 807 of Public Law 102-511 shall be subject
12 to a 6 percent ceiling on administrative expenses.

13 (b) Of the funds appropriated under this heading that
14 are made available for assistance for Ukraine, not less
15 than \$5,000,000 should be made available for nuclear re-
16 actor safety initiatives, and not less than \$1,500,000 shall
17 be made available for coal mine safety programs.

18 (c) Of the funds appropriated under this heading, not
19 less than \$55,000,000 should be made available, in addi-
20 tion to funds otherwise available for such purposes, for
21 assistance for child survival, environmental and reproduc-
22 tive health, and to combat HIV/AIDS, tuberculosis and
23 other infectious diseases, and for related activities.

24 (d)(1) Of the funds appropriated under this heading
25 that are allocated for assistance for the Government of

1 the Russian Federation, 60 percent shall be withheld from
2 obligation until the President determines and certifies in
3 writing to the Committees on Appropriations that the Gov-
4 ernment of the Russian Federation:

5 (A) has terminated implementation of arrange-
6 ments to provide Iran with technical expertise, train-
7 ing, technology, or equipment necessary to develop a
8 nuclear reactor, related nuclear research facilities or
9 programs, or ballistic missile capability; and

10 (B) is providing full access to international non-
11 government organizations providing humanitarian
12 relief to refugees and internally displaced persons in
13 Chechnya.

14 (2) Paragraph (1) shall not apply to—

15 (A) assistance to combat infectious diseases,
16 child survival activities, or assistance for victims of
17 trafficking in persons; and

18 (B) activities authorized under title V (Non-
19 proliferation and Disarmament Programs and Ac-
20 tivities) of the FREEDOM Support Act.

21 (e) Section 907 of the FREEDOM Support Act shall
22 not apply to—

23 (1) activities to support democracy or assist-
24 ance under title V of the FREEDOM Support Act

1 and section 1424 of Public Law 104-201 or non-
2 proliferation assistance;

3 (2) any assistance provided by the Trade and
4 Development Agency under section 661 of the For-
5 eign Assistance Act of 1961 (22 U.S.C. 2421);

6 (3) any activity carried out by a member of the
7 United States and Foreign Commercial Service while
8 acting within his or her official capacity;

9 (4) any insurance, reinsurance, guarantee or
10 other assistance provided by the Overseas Private
11 Investment Corporation under title IV of chapter 2
12 of part I of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2191 et seq.);

14 (5) any financing provided under the Export-
15 Import Bank Act of 1945; or

16 (6) humanitarian assistance.

17 INDEPENDENT AGENCIES

18 INTER-AMERICAN FOUNDATION

19 For necessary expenses to carry out the functions of
20 the Inter-American Foundation in accordance with the
21 provisions of section 401 of the Foreign Assistance Act
22 of 1969, \$18,000,000, to remain available until September
23 30, 2006.

24 AFRICAN DEVELOPMENT FOUNDATION

25 For necessary expenses to carry out title V of the
26 International Security and Development Cooperation Act

1 of 1980, Public Law 96-533, \$19,000,000, to remain
2 available until September 30, 2006: *Provided*, That funds
3 made available to grantees may be invested pending ex-
4 penditure for project purposes when authorized by the
5 board of directors of the Foundation: *Provided further*,
6 That interest earned shall be used only for the purposes
7 for which the grant was made: *Provided further*, That not-
8 withstanding section 505(a)(2) of the African Develop-
9 ment Foundation Act, in exceptional circumstances the
10 board of directors of the Foundation may waive the
11 \$250,000 limitation contained in that section with respect
12 to a project: *Provided further*, That the Foundation shall
13 provide a report to the Committees on Appropriations
14 after each time such waiver authority is exercised.

15 PEACE CORPS

16 For necessary expenses to carry out the provisions
17 of the Peace Corps Act (75 Stat. 612), \$320,000,000, in-
18 cluding the purchase of not to exceed five passenger motor
19 vehicles for administrative purposes for use outside of the
20 United States: *Provided*, That none of the funds appro-
21 priated under this heading shall be used to pay for abor-
22 tions: *Provided further*, That funds appropriated under
23 this heading shall remain available until September 30,
24 2006.

1 MILLENNIUM CHALLENGE CORPORATION

2 For necessary expenses for the "Millennium Chal-
3 lenge Corporation", \$1,400,000,000, to remain available
4 until expended: *Provided*, That of the funds appropriated
5 under this heading, up to \$50,000,000 may be available
6 for administrative expenses of the Millennium Challenge
7 Corporation: *Provided further*, That none of the funds ap-
8 propriated under this heading may be made available for
9 the provision of assistance until the Chief Executive Offi-
10 cer of the Millennium Challenge Corporation provides a
11 written budget justification to the Committees on Appro-
12 priations: *Provided further*, That up to 10 percent of the
13 funds appropriated under this heading may be made avail-
14 able to carry out the purposes of section 616 of the Millen-
15 nium Challenge Act of 2003: *Provided further*, That none
16 of the funds available to carry out section 616 of such
17 Act may be made available until the Chief Executive Offi-
18 cer of the Millennium Challenge Corporation provides a
19 report to the Committees on Appropriations listing the
20 candidate countries that will be receiving assistance under
21 section 616 of such Act, the level of assistance proposed
22 for each such country, a description of the proposed pro-
23 grams, projects and activities, and the implementing agen-
24 cy or agencies of the United States Government: *Provided*
25 *further*, That section 605(e)(4) of the Millennium Chal-

5

1 lence Act of 2003 shall apply to funds appropriated under
2 this heading: *Provided further*, That funds appropriated
3 under this heading, and funds appropriated under this
4 heading in division D of Public Law 108–199, may be
5 made available for a Millennium Challenge Compact en-
6 tered into pursuant to section 609 of the Millennium Chal-
7 lence Act of 2003 only if such Compact obligates, or con-
8 tains a commitment to obligate subject to the availability
9 of funds and the mutual agreement of the parties to the
10 Compact to proceed, the entire amount of the United
11 States Government funding anticipated for the duration
12 of the Compact: *Provided further*, That the previous pro-
13 viso shall be effective on the date of enactment of this Act.

14 DEPARTMENT OF STATE

15 GLOBAL HIV/AIDS INITIATIVE

16 For necessary expenses to carry out the provisions
17 of the Foreign Assistance Act of 1961 for the prevention,
18 treatment, and control of, and research on, HIV/AIDS,
19 \$1,385,000,000, to remain available until expended: *Pro-*
20 *vided*, That of the funds appropriated under this heading,
21 not more than \$8,818,000 may be made available for ad-
22 ministrative expenses of the Office of the Coordinator of
23 United States Government Activities to Combat HIV/
24 AIDS Globally of the Department of State: *Provided fur-*
25 *ther*, That of the funds appropriated under this heading,

1 not less than \$27,000,000 should be made available for
2 a United States contribution to UNAIDS.

3 INTERNATIONAL NARCOTICS CONTROL AND LAW
4 ENFORCEMENT

5 For necessary expenses to carry out section 481 of
6 the Foreign Assistance Act of 1961, \$328,820,000, to re-
7 main available until September 30, 2007: *Provided*, That
8 during fiscal year 2005, the Department of State may also
9 use the authority of section 608 of the Foreign Assistance
10 Act of 1961, without regard to its restrictions, to receive
11 excess property from an agency of the United States Gov-
12 ernment for the purpose of providing it to a foreign coun-
13 try under chapter 8 of part I of that Act subject to the
14 regular notification procedures of the Committees on Ap-
15 propriations: *Provided further*, That the Secretary of State
16 shall provide to the Committees on Appropriations not
17 later than 45 days after the date of the enactment of this
18 Act and prior to the initial obligation of funds appro-
19 priated under this heading, a report on the proposed uses
20 of all funds under this heading on a country-by-country
21 basis for each proposed program, project, or activity: *Pro-*
22 *vided further*, That of the funds appropriated under this
23 heading, not less than \$11,900,000 should be made avail-
24 able for training programs and activities of the Inter-
25 national Law Enforcement Academies: *Provided further*,
26 That of the funds appropriated under this heading, not

1 less than \$4,000,000 should be made available for assist-
2 ance for the Philippines for police training and other re-
3 lated activities: *Provided further*, That \$10,000,000 of the
4 funds appropriated under this heading shall be made avail-
5 able for demand reduction programs: *Provided further*,
6 That \$40,000,000 of the funds appropriated under this
7 heading should be made available for assistance for Mex-
8 ico: *Provided further*, That \$10,500,000 of the funds ap-
9 propriated under this heading should be made available
10 for assistance for countries and programs in Africa: *Pro-*
11 *vided further*, That of the funds appropriated under this
12 heading, \$3,000,000 shall be made available for assistance
13 for the Government of Malta for the purchase of heli-
14 copters to enhance its ability to control its borders and
15 deter terrorists: *Provided further*, That of the funds appro-
16 priated under this heading, not more than \$30,300,000
17 may be available for administrative expenses.

18 ANDEAN COUNTERDRUG INITIATIVE

19 For necessary expenses to carry out section 481 of
20 the Foreign Assistance Act of 1961 to support
21 counterdrug activities in the Andean region of South
22 America, \$731,000,000, to remain available until Sep-
23 tember 30, 2007: *Provided*, That in fiscal year 2005,
24 funds available to the Department of State for assistance
25 to the Government of Colombia shall be available to sup-
26 port a unified campaign against narcotics trafficking,

1 against activities by organizations designated as terrorist
2 organizations such as the Revolutionary Armed Forces of
3 Colombia (FARC), the National Liberation Army (ELN),
4 and the United Self-Defense Forces of Colombia (AUC),
5 and to take actions to protect human health and welfare
6 in emergency circumstances, including undertaking rescue
7 operations: *Provided further*, That this authority shall
8 cease to be effective if the Secretary of State has credible
9 evidence that the Colombian Armed Forces are not con-
10 ducting vigorous operations to restore government author-
11 ity and respect for human rights in areas under the effec-
12 tive control of paramilitary and guerrilla organizations:
13 *Provided further*, That the President shall ensure that if
14 any helicopter procured with funds under this heading is
15 used to aid or abet the operations of any illegal self-de-
16 fense group or illegal security cooperative, such helicopter
17 shall be immediately returned to the United States: *Pro-*
18 *vided further*, That none of the funds appropriated by this
19 Act may be made available to support a Peruvian air inter-
20 diction program until the Secretary of State and Director
21 of Central Intelligence certify to the Congress, 30 days
22 before any resumption of United States involvement in a
23 Peruvian air interdiction program, that an air interdiction
24 program that permits the ability of the Peruvian Air Force
25 to shoot down aircraft will include enhanced safeguards

1 and procedures to prevent the occurrence of any incident
2 similar to the April 20, 2001 incident: *Provided further,*
3 That the Secretary of State, in consultation with the Ad-
4 ministrator of the United States Agency for International
5 Development, shall provide to the Committees on Appro-
6 priations not later than 45 days after the date of the en-
7 actment of this Act and prior to the initial obligation of
8 funds appropriated under this heading, a report on the
9 proposed uses of all funds under this heading on a coun-
10 try-by-country basis for each proposed program, project,
11 or activity: *Provided further,* That of the funds appro-
12 priated under this heading, not less than \$264,600,000
13 shall be made available for alternative development/insti-
14 tution building, of which \$237,000,000 shall be appor-
15 tioned directly to the United States Agency for Inter-
16 national Development, including \$125,700,000 for assist-
17 ance for Colombia: *Provided further,* That with respect to
18 funds apportioned to the United States Agency for Inter-
19 national Development under the previous proviso, the re-
20 sponsibility for policy decisions for the use of such funds,
21 including what activities will be funded and the amount
22 of funds that will be provided for each of those activities,
23 shall be the responsibility of the Administrator of the
24 United States Agency for International Development in
25 consultation with the Assistant Secretary of State for

1 International Narcotics and Law Enforcement Affairs:
2 *Provided further*, That of the funds appropriated under
3 this heading, not less than \$6,000,000 should be made
4 available for judicial reform programs in Colombia: *Pro-*
5 *vided further*, That of the funds appropriated under this
6 heading, in addition to funds made available pursuant to
7 the previous proviso, not less than \$6,000,000 shall be
8 made available to the United States Agency for Inter-
9 national Development for organizations and programs to
10 protect human rights: *Provided further*, That funds made
11 available in this Act for demobilization/reintegration of
12 members of foreign terrorist organizations in Colombia
13 shall be subject to prior consultation with, and the regular
14 notification procedures of, the Committees on Appropria-
15 tions: *Provided further*, That not more than 20 percent
16 of the funds appropriated by this Act that are used for
17 the procurement of chemicals for aerial coca and poppy
18 fumigation programs may be made available for such pro-
19 grams unless the Secretary of State certifies to the Com-
20 mittees on Appropriations that: (1) the herbicide mixture
21 is being used in accordance with EPA label requirements
22 for comparable use in the United States and with Colom-
23 bian laws; and (2) the herbicide mixture, in the manner
24 it is being used, does not pose unreasonable risks or ad-
25 verse effects to humans or the environment: *Provided fur-*

1 *ther*, That such funds may not be made available unless
2 the Secretary of State certifies to the Committees on Ap-
3 propriations that complaints of harm to health or licit
4 crops caused by such fumigation are evaluated and fair
5 compensation is being paid for meritorious claims: *Pro-*
6 *vided further*, That such funds may not be made available
7 for such purposes unless programs are being implemented
8 by the United States Agency for International Develop-
9 ment, the Government of Colombia, or other organiza-
10 tions, in consultation with local communities, to provide
11 alternative sources of income in areas where security per-
12 mits for small-acreage growers whose illicit crops are tar-
13 geted for fumigation: *Provided further*, That of the funds
14 appropriated under this heading, \$2,000,000 should be
15 made available through nongovernmental organizations for
16 programs to protect biodiversity and indigenous reserves
17 in Colombia: *Provided further*, That funds appropriated by
18 this Act may be used for aerial fumigation in Colombia's
19 national parks or reserves only if the Secretary of State
20 determines that it is in accordance with Colombian laws
21 and that there are no effective alternatives to reduce drug
22 cultivation in these areas: *Provided further*, That section
23 482(b) of the Foreign Assistance Act of 1961 shall not
24 apply to funds appropriated under this heading: *Provided*
25 *further*, That assistance provided with funds appropriated

1 under this heading that is made available notwithstanding
2 section 482(b) of the Foreign Assistance Act of 1961 shall
3 be made available subject to the regular notification proce-
4 dures of the Committees on Appropriations: *Provided fur-*
5 *ther*, That no United States Armed Forces personnel or
6 United States civilian contractor employed by the United
7 States will participate in any combat operation in connec-
8 tion with assistance made available by this Act for Colom-
9 bia: *Provided further*, That funds appropriated under this
10 heading that are available for assistance for the Bolivian
11 military and police may be made available for such pur-
12 poses only if the Bolivian military and police are respect-
13 ing human rights and cooperating with civilian judicial au-
14 thorities, and the Bolivian Government is prosecuting and
15 punishing those responsible for violations of human rights:
16 *Provided further*, That of the funds appropriated under
17 this heading, not more than \$16,285,000 may be available
18 for administrative expenses of the Department of State,
19 and not more than \$7,800,000 may be available, in addi-
20 tion to amounts otherwise available for such purposes, for
21 administrative expenses of the United States Agency for
22 International Development.

23 MIGRATION AND REFUGEE ASSISTANCE

24 For expenses, not otherwise provided for, necessary
25 to enable the Secretary of State to provide, as authorized
26 by law, a contribution to the International Committee of

1 the Red Cross, assistance to refugees, including contribu-
2 tions to the International Organization for Migration and
3 the United Nations High Commissioner for Refugees, and
4 other activities to meet refugee and migration needs; sala-
5 ries and expenses of personnel and dependents as author-
6 ized by the Foreign Service Act of 1980; allowances as
7 authorized by sections 5921 through 5925 of title 5,
8 United States Code; purchase and hire of passenger motor
9 vehicles; and services as authorized by section 3109 of title
10 5, United States Code, \$770,000,000, which shall remain
11 available until expended: *Provided*, That not more than
12 \$22,000,000 may be available for administrative expenses:
13 *Provided further*, That not less than \$50,000,000 of the
14 funds made available under this heading shall be made
15 available for refugees from the former Soviet Union and
16 Eastern Europe and other refugees resettling in Israel:
17 *Provided further*, That funds appropriated under this
18 heading may be made available for a headquarters con-
19 tribution to the International Committee of the Red Cross
20 only if the Secretary of State determines (and so reports
21 to the appropriate committees of Congress) that the
22 Magen David Adom Society of Israel is not being denied
23 participation in the activities of the International Red
24 Cross and Red Crescent Movement.

1 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
2 ASSISTANCE FUND

3 For necessary expenses to carry out the provisions
4 of section 2(c) of the Migration and Refugee Assistance
5 Act of 1962, as amended (22 U.S.C. 2601(c)),
6 \$30,000,000, to remain available until expended: *Pro-*
7 *vided*, That funds made available under this heading are
8 appropriated notwithstanding the provisions contained in
9 section 2(c)(2) of such Act which would limit the amount
10 of funds which could be appropriated for this purpose.

11 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
12 RELATED PROGRAMS

13 For necessary expenses for nonproliferation, anti-ter-
14 rorism, demining and related programs and activities,
15 \$402,000,000, to carry out the provisions of chapter 8 of
16 part II of the Foreign Assistance Act of 1961 for anti-
17 terrorism assistance, chapter 9 of part II of the Foreign
18 Assistance Act of 1961, section 504 of the FREEDOM
19 Support Act, section 23 of the Arms Export Control Act
20 or the Foreign Assistance Act of 1961 for demining activi-
21 ties, the clearance of unexploded ordnance, the destruction
22 of small arms, and related activities, notwithstanding any
23 other provision of law, including activities implemented
24 through nongovernmental and international organizations,
25 and section 301 of the Foreign Assistance Act of 1961
26 for a voluntary contribution to the International Atomic

1 Energy Agency (IAEA), and for a United States contribu-
2 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
3 paratory Commission: *Provided*, That of this amount not
4 to exceed \$32,000,000, to remain available until expended,
5 may be made available for the Nonproliferation and Disar-
6 mament Fund, notwithstanding any other provision of
7 law, to promote bilateral and multilateral activities relat-
8 ing to nonproliferation and disarmament: *Provided further*,
9 That such funds may also be used for such countries other
10 than the Independent States of the former Soviet Union
11 and international organizations when it is in the national
12 security interest of the United States to do so: *Provided*
13 *further*, That funds appropriated under this heading may
14 be made available for the International Atomic Energy
15 Agency only if the Secretary of State determines (and so
16 reports to the Congress) that Israel is not being denied
17 its right to participate in the activities of that Agency:
18 *Provided further*, That funds available during fiscal year
19 2005 for a contribution to the Comprehensive Nuclear
20 Test Ban Treaty Preparatory Commission and that are
21 not necessary to make the United States contribution to
22 the Commission in the amount assessed for fiscal year
23 2005 shall be made available for a voluntary contribution
24 to the International Atomic Energy Agency and shall re-
25 main available until September 30, 2006: *Provided further*,

1 That of the funds made available for demining and related
2 activities, not to exceed \$690,000, in addition to funds
3 otherwise available for such purposes, may be used for ad-
4 ministrative expenses related to the operation and man-
5 agement of the demining program: *Provided further*, That
6 funds appropriated under this heading that are available
7 for “Anti-terrorism Assistance” and “Export Control and
8 Border Security” shall remain available until September
9 30, 2006.

10 DEPARTMENT OF THE TREASURY

11 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

12 For necessary expenses to carry out the provisions
13 of section 129 of the Foreign Assistance Act of 1961,
14 \$19,000,000, to remain available until September 30,
15 2007, which shall be available notwithstanding any other
16 provision of law.

17 DEBT RESTRUCTURING

18 For the cost, as defined in section 502 of the Con-
19 gressional Budget Act of 1974, of modifying loans and
20 loan guarantees, as the President may determine, for
21 which funds have been appropriated or otherwise made
22 available for programs within the International Affairs
23 Budget Function 150, including the cost of selling, reduc-
24 ing, or canceling amounts owed to the United States as
25 a result of concessional loans made to eligible countries,
26 pursuant to parts IV and V of the Foreign Assistance Act

1 of 1961, and of modifying concessional credit agreements
2 with least developed countries, as authorized under section
3 411 of the Agricultural Trade Development and Assist-
4 ance Act of 1954, as amended, and concessional loans,
5 guarantees and credit agreements, as authorized under
6 section 572 of the Foreign Operations, Export Financing,
7 and Related Programs Appropriations Act, 1989 (Public
8 Law 100-461), and of canceling amounts owed, as a result
9 of loans or guarantees made pursuant to the Export-Im-
10 port Bank Act of 1945, by countries that are eligible for
11 debt reduction pursuant to title V of H.R. 3425 as enacted
12 into law by section 1000(a)(5) of Public Law 106-113,
13 \$100,000,000, to remain available until September 30,
14 2007: *Provided*, That not less than \$20,000,000 of the
15 funds appropriated under this heading shall be made avail-
16 able to carry out the provisions of part V of the Foreign
17 Assistance Act of 1961: *Provided further*, That up to
18 \$75,000,000 of the funds appropriated under this heading
19 may be used by the Secretary of the Treasury to pay to
20 the Heavily Indebted Poor Countries (HIPC) Trust Fund
21 administered by the International Bank for Reconstruc-
22 tion and Development amounts for the benefit of countries
23 that are eligible for debt reduction pursuant to title V of
24 H.R. 3425 as enacted into law by section 1000(a)(5) of
25 Public Law 106-113: *Provided further*, That amounts paid

1 to the HIPC Trust Fund may be used only to fund debt
2 reduction under the enhanced HIPC initiative by—

- 3 (1) the Inter-American Development Bank;
- 4 (2) the African Development Fund;
- 5 (3) the African Development Bank; and
- 6 (4) the Central American Bank for Economic
7 Integration:

8 *Provided further*, That funds may not be paid to the HIPC
9 Trust Fund for the benefit of any country if the Secretary
10 of State has credible evidence that the government of such
11 country is engaged in a consistent pattern of gross viola-
12 tions of internationally recognized human rights or in mili-
13 tary or civil conflict that undermines its ability to develop
14 and implement measures to alleviate poverty and to devote
15 adequate human and financial resources to that end: *Pro-*
16 *vided further*, That on the basis of final appropriations,
17 the Secretary of the Treasury shall consult with the Com-
18 mittees on Appropriations concerning which countries and
19 international financial institutions are expected to benefit
20 from a United States contribution to the HIPC Trust
21 Fund during the fiscal year: *Provided further*, That the
22 Secretary of the Treasury shall inform the Committees on
23 Appropriations not less than 15 days in advance of the
24 signature of an agreement by the United States to make
25 payments to the HIPC Trust Fund of amounts for such

1 countries and institutions: *Provided further*, That the Sec-
2 retary of the Treasury may disburse funds designated for
3 debt reduction through the HIPC Trust Fund only for the
4 benefit of countries that—

5 (1) have committed, for a period of 24 months,
6 not to accept new market-rate loans from the inter-
7 national financial institution receiving debt repay-
8 ment as a result of such disbursement, other than
9 loans made by such institutions to export-oriented
10 commercial projects that generate foreign exchange
11 which are generally referred to as “enclave” loans;
12 and

13 (2) have documented and demonstrated their
14 commitment to redirect their budgetary resources
15 from international debt repayments to programs to
16 alleviate poverty and promote economic growth that
17 are additional to or expand upon those previously
18 available for such purposes:

19 *Provided further*, That any limitation of subsection (e) of
20 section 411 of the Agricultural Trade Development and
21 Assistance Act of 1954 shall not apply to funds appro-
22 priated under this heading: *Provided further*, That none
23 of the funds made available under this heading in this or
24 any other appropriations Act shall be made available for
25 Sudan or Burma unless the Secretary of the Treasury de-

1 terminates and notifies the Committees on Appropriations
2 that a democratically elected government has taken office:
3 *Provided further*, That none of the funds appropriated
4 under this heading may be paid to the HIPC Trust Fund
5 for the benefit of any country that has accepted loans from
6 an international financial institution between such coun-
7 try's decision point and completion point: *Provided further*,
8 That the terms "decision point" and "completion point"
9 shall have the same meaning as defined by the Inter-
10 national Monetary Fund.

11 TITLE III—MILITARY ASSISTANCE

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 INTERNATIONAL MILITARY EDUCATION AND TRAINING

14 For necessary expenses to carry out the provisions
15 of section 541 of the Foreign Assistance Act of 1961,
16 \$89,730,000, of which up to \$3,000,000 may remain
17 available until expended: *Provided*, That the civilian per-
18 sonnel for whom military education and training may be
19 provided under this heading may include civilians who are
20 not members of a government whose participation would
21 contribute to improved civil-military relations, civilian con-
22 trol of the military, or respect for human rights: *Provided*
23 *further*, That funds appropriated under this heading for
24 military education and training for Guatemala may only
25 be available for expanded international military education

1 and training, and funds made available for Haiti, the
2 Democratic Republic of the Congo, and Nigeria may only
3 be provided through the regular notification procedures of
4 the Committees on Appropriations.

5 FOREIGN MILITARY FINANCING PROGRAM
6 (INCLUDING TRANSFER OF FUNDS)

7 For expenses necessary for grants to enable the
8 President to carry out the provisions of section 23 of the
9 Arms Export Control Act, ~~\$4,777,500,000~~; *Provided, That* 4,783,500,000
10 of the funds appropriated under this heading, not less
11 than \$2,220,000,000 shall be available for grants only for
12 Israel, and not less than \$1,300,000,000 shall be made
13 available for grants only for Egypt: *Provided further, That*
14 the funds appropriated by this paragraph for Israel shall
15 be disbursed within 30 days of the enactment of this Act:
16 *Provided further, That* to the extent that the Government
17 of Israel requests that funds be used for such purposes,
18 grants made available for Israel by this paragraph shall,
19 as agreed by Israel and the United States, be available
20 for advanced weapons systems, of which not less than
21 \$580,000,000 shall be available for the procurement in
22 Israel of defense articles and defense services, including
23 research and development: *Provided further, That* of the
24 funds appropriated by this paragraph, \$206,000,000
25 should be made available for assistance for Jordan: *Pro-*
26 *vided further, That* in addition to the funds appropriated

1 under this heading, up to \$150,000,000 for assistance for
2 Pakistan may be derived by transfer from unobligated bal-
3 ances of funds appropriated under the headings "Eco-
4 nomic Support Fund" and "Foreign Military Financing
5 Program" in prior appropriations Acts and not otherwise
6 designated in those Acts for a specific country, use, or
7 purpose: *Provided further*, That of the funds appropriated
8 under this heading, not more than \$2,000,000 may be
9 made available for assistance for Uganda and only for
10 non-lethal military equipment if the Secretary of State de-
11 termines and reports to the Committees on Appropriations
12 that the Government of Uganda has made significant
13 progress in: (1) the protection of human rights, especially
14 preventing acts of torture; (2) the protection of civilians
15 in northern and eastern Uganda; and (3) the
16 professionalization of the Ugandan armed forces: *Provided*
17 *further*, That funds appropriated or otherwise made avail-
18 able by this paragraph shall be nonrepayable notwith-
19 standing any requirement in section 23 of the Arms Ex-
20 port Control Act: *Provided further*, That funds made avail-
21 able under this paragraph shall be obligated upon appor-
22 tionment in accordance with paragraph (5)(C) of title 31,
23 United States Code, section 1501(a).

24 None of the funds made available under this heading
25 shall be available to finance the procurement of defense

1 articles, defense services, or design and construction serv-
2 ices that are not sold by the United States Government
3 under the Arms Export Control Act unless the foreign
4 country proposing to make such procurements has first
5 signed an agreement with the United States Government
6 specifying the conditions under which such procurements
7 may be financed with such funds: *Provided*, That all coun-
8 try and funding level increases in allocations shall be sub-
9 mitted through the regular notification procedures of sec-
10 tion 515 of this Act: *Provided further*, That none of the
11 funds appropriated under this heading shall be available
12 for assistance for Sudan and Guatemala: *Provided further*,
13 That none of the funds appropriated under this heading
14 may be made available for assistance for Haiti except pur-
15 suant to the regular notification procedures of the Com-
16 mittees on Appropriations: *Provided further*, That funds
17 made available under this heading may be used, notwith-
18 standing any other provision of law, for demining, the
19 clearance of unexploded ordnance, and related activities,
20 and may include activities implemented through non-
21 governmental and international organizations: *Provided*
22 *further*, That only those countries for which assistance was
23 justified for the "Foreign Military Sales Financing Pro-
24 gram" in the fiscal year 1989 congressional presentation
25 for security assistance programs may utilize funds made

1 available under this heading for procurement of defense
2 articles, defense services or design and construction serv-
3 ices that are not sold by the United States Government
4 under the Arms Export Control Act: *Provided further,*
5 That funds appropriated under this heading shall be ex-
6 pended at the minimum rate necessary to make timely
7 payment for defense articles and services: *Provided fur-*
8 *ther,* That not more than \$40,000,000 of the funds appro-
9 priated under this heading may be obligated for necessary
10 expenses, including the purchase of passenger motor vehi-
11 cles for replacement only for use outside of the United
12 States, for the general costs of administering military as-
13 sistance and sales: *Provided further,* That not more than
14 \$367,000,000 of funds realized pursuant to section
15 21(e)(1)(A) of the Arms Export Control Act may be obli-
16 gated for expenses incurred by the Department of Defense
17 during fiscal year 2005 pursuant to section 43(b) of the
18 Arms Export Control Act, except that this limitation may
19 be exceeded only through the regular notification proce-
20 dures of the Committees on Appropriations: *Provided fur-*
21 *ther,* That foreign military financing program funds esti-
22 mated to be outlayed for Egypt during fiscal year 2005
23 shall be transferred to an interest bearing account for
24 Egypt in the Federal Reserve Bank of New York within
25 30 days of enactment of this Act.

1 PEACEKEEPING OPERATIONS

2 For necessary expenses to carry out the provisions
3 of section 551 of the Foreign Assistance Act of 1961,
4 \$104,000,000: *Provided*, That none of the funds appro-
5 priated under this heading shall be obligated or expended
6 except as provided through the regular notification proce-
7 dures of the Committees on Appropriations.

8 TITLE IV—MULTILATERAL ECONOMIC
9 ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 INTERNATIONAL FINANCIAL INSTITUTIONS

12 GLOBAL ENVIRONMENT FACILITY

13 For the United States contribution for the Global En-
14 vironment Facility, \$107,500,000 to the International
15 Bank for Reconstruction and Development as trustee for
16 the Global Environment Facility, by the Secretary of the
17 Treasury, to remain available until expended.

18 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
19 ASSOCIATION

20 For payment to the International Development Asso-
21 ciation by the Secretary of the Treasury, \$850,000,000,
22 to remain available until expended.

23 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
24 MULTILATERAL INVESTMENT FUND

25 For payment to the Enterprise for the Americas Mul-
26 tilateral Investment Fund by the Secretary of the Treas-

1 ury, for the United States contribution to the fund,
2 \$11,000,000, to remain available until expended.

3 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

4 For the United States contribution by the Secretary
5 of the Treasury to the increase in resources of the Asian
6 Development Fund, as authorized by the Asian Develop-
7 ment Bank Act, as amended, \$100,000,000, to remain
8 available until expended.

9 CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

10 For payment to the African Development Bank by
11 the Secretary of the Treasury, \$4,100,000, for the United
12 States paid-in share of the increase in capital stock, to
13 remain available until expended.

14 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

15 The United States Governor of the African Develop-
16 ment Bank may subscribe without fiscal year limitation
17 for the callable capital portion of the United States share
18 of such capital stock in an amount not to exceed
19 \$79,532,933.

20 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

21 For the United States contribution by the Secretary
22 of the Treasury to the increase in resources of the African
23 Development Fund, \$106,000,000, to remain available
24 until expended.

1 CONTRIBUTION TO THE EUROPEAN BANK FOR
2 RECONSTRUCTION AND DEVELOPMENT

3 For payment to the European Bank for Reconstruc-
4 tion and Development by the Secretary of the Treasury,
5 \$35,431,111 for the United States share of the paid-in
6 portion of the increase in capital stock, to remain available
7 until expended.

8 LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

9 The United States Governor of the European Bank
10 for Reconstruction and Development may subscribe with-
11 out fiscal year limitation to the callable capital portion of
12 the United States share of such capital stock in an amount
13 not to exceed \$121,996,662.

14 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
15 AGRICULTURAL DEVELOPMENT

16 For the United States contribution by the Secretary
17 of the Treasury to increase the resources of the Inter-
18 national Fund for Agricultural Development,
19 \$15,000,000, to remain available until expended.

20 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

21 For necessary expenses to carry out the provisions
22 of section 301 of the Foreign Assistance Act of 1961, and
23 of section 2 of the United Nations Environment Program
24 Participation Act of 1973, \$328,394,000: *Provided*, That
25 none of the funds appropriated under this heading may

1 be made available to the International Atomic Energy
2 Agency (IAEA).

3 TITLE V—GENERAL PROVISIONS

4 COMPENSATION FOR UNITED STATES EXECUTIVE

5 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

6 SEC. 501. (a) No funds appropriated by this Act may
7 be made as payment to any international financial institu-
8 tion while the United States Executive Director to such
9 institution is compensated by the institution at a rate
10 which, together with whatever compensation such Director
11 receives from the United States, is in excess of the rate
12 provided for an individual occupying a position at level IV
13 of the Executive Schedule under section 5315 of title 5,
14 United States Code, or while any alternate United States
15 Director to such institution is compensated by the institu-
16 tion at a rate in excess of the rate provided for an indi-
17 vidual occupying a position at level V of the Executive
18 Schedule under section 5316 of title 5, United States
19 Code.

20 (b) For purposes of this section, “international finan-
21 cial institutions” are: the International Bank for Recon-
22 struction and Development, the Inter-American Develop-
23 ment Bank, the Asian Development Bank, the Asian De-
24 velopment Fund, the African Development Bank, the Afri-
25 can Development Fund, the International Monetary Fund,

1 the North American Development Bank, and the Euro-
2 pean Bank for Reconstruction and Development.

3 RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO
4 UNITED NATIONS AGENCIES

5 SEC. 502. None of the funds appropriated by this Act
6 may be made available to pay any voluntary contribution
7 of the United States to the United Nations (including the
8 United Nations Development Program) if the United Na-
9 tions implements or imposes any taxation on any United
10 States persons.

11 LIMITATION ON RESIDENCE EXPENSES

12 SEC. 503. Of the funds appropriated or made avail-
13 able pursuant to this Act, not to exceed \$100,500 shall
14 be for official residence expenses of the United States
15 Agency for International Development during the current
16 fiscal year: *Provided*, That appropriate steps shall be
17 taken to assure that, to the maximum extent possible,
18 United States-owned foreign currencies are utilized in lieu
19 of dollars.

20 LIMITATION ON EXPENSES

21 SEC. 504. Of the funds appropriated or made avail-
22 able pursuant to this Act, not to exceed \$5,000 shall be
23 for entertainment expenses of the United States Agency
24 for International Development during the current fiscal
25 year.

1 LIMITATION ON REPRESENTATIONAL ALLOWANCES

2 SEC. 505. Of the funds appropriated or made avail-
3 able pursuant to this Act, not to exceed \$125,000 shall
4 be available for representation allowances for the United
5 States Agency for International Development during the
6 current fiscal year: *Provided*, That appropriate steps shall
7 be taken to assure that, to the maximum extent possible,
8 United States-owned foreign currencies are utilized in lieu
9 of dollars: *Provided further*, That of the funds made avail-
10 able by this Act for general costs of administering military
11 assistance and sales under the heading "Foreign Military
12 Financing Program", not to exceed \$4,000 shall be avail-
13 able for entertainment expenses and not to exceed
14 \$130,000 shall be available for representation allowances:
15 *Provided further*, That of the funds made available by this
16 Act under the heading "International Military Education
17 and Training", not to exceed \$55,000 shall be available
18 for entertainment allowances: *Provided further*, That of
19 the funds made available by this Act for the Inter-Amer-
20 ican Foundation, not to exceed \$2,000 shall be available
21 for entertainment and representation allowances: *Provided*
22 *further*, That of the funds made available by this Act for
23 the Peace Corps, not to exceed a total of \$4,000 shall be
24 available for entertainment expenses: *Provided further*,
25 That of the funds made available by this Act under the

1 heading "Trade and Development Agency", not to exceed
2 \$4,000 shall be available for representation and entertain-
3 ment allowances: *Provided further*, That of the funds made
4 available by this Act under the heading "Millennium Chal-
5 lenge Corporation", not to exceed \$115,000 shall be avail-
6 able for representation and entertainment allowances.

7 PROHIBITION ON TAXATION OF UNITED STATES

8 ASSISTANCE

9 SEC. 506. (a) PROHIBITION ON TAXATION.—None of
10 the funds appropriated by this Act may be made available
11 to provide assistance for a foreign country under a new
12 bilateral agreement governing the terms and conditions
13 under which such assistance is to be provided unless such
14 agreement includes a provision stating that assistance pro-
15 vided by the United States shall be exempt from taxation,
16 or reimbursed, by the foreign government, and the Sec-
17 retary of State shall expeditiously seek to negotiate
18 amendments to existing bilateral agreements, as nec-
19 essary, to conform with this requirement.

20 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
21 amount equivalent to 200 percent of the total taxes as-
22 sessed during fiscal year 2005 on funds appropriated by
23 this Act by a foreign government or entity against com-
24 modities financed under United States assistance pro-
25 grams for which funds are appropriated by this Act, either
26 directly or through grantees, contractors and subcontrac-

1 tors shall be withheld from obligation from funds appro-
2 priated for assistance for fiscal year 2006 and allocated
3 for the central government of such country and for the
4 West Bank and Gaza Program to the extent that the Sec-
5 retary of State certifies and reports in writing to the Com-
6 mittees on Appropriations that such taxes have not been
7 reimbursed to the Government of the United States.

8 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
9 minimis nature shall not be subject to the provisions of
10 subsection (b).

11 (d) REPROGRAMMING OF FUNDS.—Funds withheld
12 from obligation for each country or entity pursuant to sub-
13 section (b) shall be reprogrammed for assistance to coun-
14 tries which do not assess taxes on United States assistance
15 or which have an effective arrangement that is providing
16 substantial reimbursement of such taxes.

17 (e) DETERMINATIONS.—

18 (1) The provisions of this section shall not
19 apply to any country or entity the Secretary of State
20 determines—

21 (A) does not assess taxes on United States
22 assistance or which has an effective arrange-
23 ment that is providing substantial reimburse-
24 ment of such taxes; or

1 (B) the foreign policy interests of the
2 United States outweigh the policy of this sec-
3 tion to ensure that United States assistance is
4 not subject to taxation.

5 (2) The Secretary of State shall consult with
6 the Committees on Appropriations at least 15 days
7 prior to exercising the authority of this subsection
8 with regard to any country or entity.

9 (f) IMPLEMENTATION.—The Secretary of State shall
10 issue rules, regulations, or policy guidance, as appropriate,
11 to implement the prohibition against the taxation of assist-
12 ance contained in this section.

13 (g) DEFINITIONS.—As used in this section—

14 (1) the terms “taxes” and “taxation” refer to
15 value added taxes and customs duties imposed on
16 commodities financed with United States assistance
17 for programs for which funds are appropriated by
18 this Act; and

19 (2) the term “bilateral agreement” refers to a
20 framework bilateral agreement between the Govern-
21 ment of the United States and the government of
22 the country receiving assistance that describes the
23 privileges and immunities applicable to United
24 States foreign assistance for such country generally,
25 or an individual agreement between the Government

1 of the United States and such government that de-
2 scribes, among other things, the treatment for tax
3 purposes that will be accorded the United States as-
4 sistance provided under that agreement.

5 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
6 COUNTRIES

7 SEC. 507. None of the funds appropriated or other-
8 wise made available pursuant to this Act shall be obligated
9 or expended to finance directly any assistance or repara-
10 tions to Cuba, Libya, North Korea, Iran, or Syria: *Pro-*
11 *vided*, That for purposes of this section, the prohibition
12 on obligations or expenditures shall include direct loans,
13 credits, insurance and guarantees of the Export-Import
14 Bank or its agents.

15 MILITARY COUPS

16 SEC. 508. None of the funds appropriated or other-
17 wise made available pursuant to this Act shall be obligated
18 or expended to finance directly any assistance to the gov-
19 ernment of any country whose duly elected head of govern-
20 ment is deposed by decree or military coup: *Provided*, That
21 assistance may be resumed to such government if the
22 President determines and certifies to the Committees on
23 Appropriations that subsequent to the termination of as-
24 sistance a democratically elected government has taken of-
25 fice: *Provided further*, That the provisions of this section
26 shall not apply to assistance to promote democratic elec-

1 tions or public participation in democratic processes: *Pro-*
2 *vided further*, That funds made available pursuant to the
3 previous provisos shall be subject to the regular notifica-
4 tion procedures of the Committees on Appropriations.

5 TRANSFERS

6 SEC. 509. (a)(1) LIMITATION ON TRANSFERS BE-
7 TWEEN AGENCIES.—None of the funds made available by
8 this Act may be transferred to any department, agency,
9 or instrumentality of the United States Government, ex-
10 cept pursuant to a transfer made by, or transfer authority
11 provided in, this Act or any other appropriation Act.

12 (2) Notwithstanding paragraph (1), in addition to
13 transfers made by, or authorized elsewhere in, this Act,
14 funds appropriated by this Act to carry out the purposes
15 of the Foreign Assistance Act of 1961 may be allocated
16 or transferred to agencies of the United States Govern-
17 ment pursuant to the provisions of sections 109, 610, and
18 632 of the Foreign Assistance Act of 1961.

19 (b) TRANSFERS BETWEEN ACCOUNTS.—None of the
20 funds made available by this Act may be obligated under
21 an appropriation account to which they were not appro-
22 priated, except for transfers specifically provided for in
23 this Act, unless the President, not less than five days prior
24 to the exercise of any authority contained in the Foreign
25 Assistance Act of 1961 to transfer funds, consults with
26 and provides a written policy justification to the Commit-

tees on Appropriations of the House of Representatives
and the Senate.

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any
agreement for the transfer or allocation of funds appro-
priated by this Act, or prior Acts, entered into between
the United States Agency for International Development
and another agency of the United States Government
under the authority of section 632(a) of the Foreign As-
sistance Act of 1961 or any comparable provision of law,
shall expressly provide that the Office of the Inspector
General for the agency receiving the transfer or allocation
of such funds shall perform periodic program and financial
audits of the use of such funds: *Provided*, That funds
transferred under such authority may be made available
for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of
law, and subject to the regular notification procedures of
the Committees on Appropriations, the authority of sec-
tion 23(a) of the Arms Export Control Act may be used
to provide financing to Israel, Egypt and NATO and
major non-NATO allies for the procurement by leasing
(including leasing with an option to purchase) of defense
articles from United States commercial suppliers, not in-
cluding Major Defense Equipment (other than helicopters
and other types of aircraft having possible civilian applica-

1 tion), if the President determines that there are compel-
2 ling foreign policy or national security reasons for those
3 defense articles being provided by commercial lease rather
4 than by government-to-government sale under such Act.

5
6 AVAILABILITY OF FUNDS

6 SEC. 511. No part of any appropriation contained in
7 this Act shall remain available for obligation after the ex-
8 piration of the current fiscal year unless expressly so pro-
9 vided in this Act: *Provided*, That funds appropriated for
10 the purposes of chapters 1, 8, 11, and 12 of part I, section
11 667, chapters 4, 6, 8, and 9 of part II of the Foreign
12 Assistance Act of 1961, section 23 of the Arms Export
13 Control Act, and funds provided under the heading "As-
14 sistance for Eastern Europe and the Baltic States", shall
15 remain available for an additional four years from the date
16 on which the availability of such funds would otherwise
17 have expired, if such funds are initially obligated before
18 the expiration of their respective periods of availability
19 contained in this Act: *Provided further*, That, notwith-
20 standing any other provision of this Act, any funds made
21 available for the purposes of chapter 1 of part I and chap-
22 ter 4 of part II of the Foreign Assistance Act of 1961
23 which are allocated or obligated for cash disbursements
24 in order to address balance of payments or economic policy
25 reform objectives, shall remain available until expended.

1 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

2 SEC. 512. No part of any appropriation contained in
3 this Act shall be used to furnish assistance to the govern-
4 ment of any country which is in default during a period
5 in excess of one calendar year in payment to the United
6 States of principal or interest on any loan made to the
7 government of such country by the United States pursuant
8 to a program for which funds are appropriated under this
9 Act unless the President determines, following consulta-
10 tions with the Committees on Appropriations, that assist-
11 ance to such country is in the national interest of the
12 United States.

13 COMMERCE AND TRADE

14 SEC. 513. (a) None of the funds appropriated or
15 made available pursuant to this Act for direct assistance
16 and none of the funds otherwise made available pursuant
17 to this Act to the Export-Import Bank and the Overseas
18 Private Investment Corporation shall be obligated or ex-
19 pended to finance any loan, any assistance or any other
20 financial commitments for establishing or expanding pro-
21 duction of any commodity for export by any country other
22 than the United States, if the commodity is likely to be
23 in surplus on world markets at the time the resulting pro-
24 ductive capacity is expected to become operative and if the
25 assistance will cause substantial injury to United States
26 producers of the same, similar, or competing commodity:

1 *Provided*, That such prohibition shall not apply to the Ex-
2 port-Import Bank if in the judgment of its Board of Direc-
3 tors the benefits to industry and employment in the
4 United States are likely to outweigh the injury to United
5 States producers of the same, similar, or competing com-
6 modity, and the Chairman of the Board so notifies the
7 Committees on Appropriations.

8 (b) None of the funds appropriated by this or any
9 other Act to carry out chapter 1 of part I of the Foreign
10 Assistance Act of 1961 shall be available for any testing
11 or breeding feasibility study, variety improvement or intro-
12 duction, consultancy, publication, conference, or training
13 in connection with the growth or production in a foreign
14 country of an agricultural commodity for export which
15 would compete with a similar commodity grown or pro-
16 duced in the United States: *Provided*, That this subsection
17 shall not prohibit—

18 (1) activities designed to increase food security
19 in developing countries where such activities will not
20 have a significant impact on the export of agricul-
21 tural commodities of the United States; or

22 (2) research activities intended primarily to
23 benefit American producers.

24 SURPLUS COMMODITIES

25 SEC. 514. The Secretary of the Treasury shall in-
26 struct the United States Executive Directors of the Inter-

1 national Bank for Reconstruction and Development, the
2 International Development Association, the International
3 Finance Corporation, the Inter-American Development
4 Bank, the International Monetary Fund, the Asian Devel-
5 opment Bank, the Inter-American Investment Corpora-
6 tion, the North American Development Bank, the Euro-
7 pean Bank for Reconstruction and Development, the Afri-
8 can Development Bank, and the African Development
9 Fund to use the voice and vote of the United States to
10 oppose any assistance by these institutions, using funds
11 appropriated or made available pursuant to this Act, for
12 the production or extraction of any commodity or mineral
13 for export, if it is in surplus on world markets and if the
14 assistance will cause substantial injury to United States
15 producers of the same, similar, or competing commodity.

16 NOTIFICATION REQUIREMENTS

17 SEC. 515. For the purposes of providing the executive
18 branch with the necessary administrative flexibility, none
19 of the funds made available under this Act for “Child Sur-
20 vival and Health Programs Fund”, “Development Assist-
21 ance”, “International Organizations and Programs”,
22 “Trade and Development Agency”, “International Nar-
23 cotics Control and Law Enforcement”, “Andean
24 Counterdrug Initiative”, “Assistance for Eastern Europe
25 and the Baltic States”, “Assistance for the Independent
26 States of the Former Soviet Union”, “Economic Support

1 Fund", "Global HIV/AIDS Initiative", "Peacekeeping
2 Operations", "Capital Investment Fund", "Operating Ex-
3 penses of the United States Agency for International De-
4 velopment", "Operating Expenses of the United States
5 Agency for International Development Office of Inspector
6 General", "Nonproliferation, Anti-terrorism, Demining
7 and Related Programs", "Millennium Challenge Corpora-
8 tion" (by country only), "Foreign Military Financing Pro-
9 gram", "International Military Education and Training",
10 "Peace Corps", and "Migration and Refugee Assistance",
11 shall be available for obligation for activities, programs,
12 projects, type of materiel assistance, countries, or other
13 operations not justified or in excess of the amount justi-
14 fied to the Committees on Appropriations for obligation
15 under any of these specific headings unless the Commit-
16 tees on Appropriations of both Houses of Congress are
17 previously notified 15 days in advance: *Provided*, That the
18 President shall not enter into any commitment of funds
19 appropriated for the purposes of section 23 of the Arms
20 Export Control Act for the provision of major defense
21 equipment, other than conventional ammunition, or other
22 major defense items defined to be aircraft, ships, missiles,
23 or combat vehicles, not previously justified to Congress or
24 20 percent in excess of the quantities justified to Congress
25 unless the Committees on Appropriations are notified 15

1 days in advance of such commitment: *Provided further*,
2 That this section shall not apply to any reprogramming
3 for an activity, program, or project for which funds are
4 appropriated under title II of this Act of less than 10 per-
5 cent of the amount previously justified to the Congress
6 for obligation for such activity, program, or project for the
7 current fiscal year: *Provided further*, That the require-
8 ments of this section or any similar provision of this Act
9 or any other Act, including any prior Act requiring notifi-
10 cation in accordance with the regular notification proce-
11 dures of the Committees on Appropriations, may be
12 waived if failure to do so would pose a substantial risk
13 to human health or welfare: *Provided further*, That in case
14 of any such waiver, notification to the Congress, or the
15 appropriate congressional committees, shall be provided as
16 early as practicable, but in no event later than 3 days after
17 taking the action to which such notification requirement
18 was applicable, in the context of the circumstances neces-
19 sitating such waiver: *Provided further*, That any notifica-
20 tion provided pursuant to such a waiver shall contain an
21 explanation of the emergency circumstances.

22 LIMITATION ON AVAILABILITY OF FUNDS FOR

23 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

24 SEC. 516. Subject to the regular notification proce-
25 dures of the Committees on Appropriations, funds appro-
26 priated under this Act or any previously enacted Act mak-

1 ing appropriations for foreign operations, export financ-
2 ing, and related programs, which are returned or not made
3 available for organizations and programs because of the
4 implementation of section 307(a) of the Foreign Assist-
5 ance Act of 1961, shall remain available for obligation
6 until September 30, 2006.

7 INDEPENDENT STATES OF THE FORMER SOVIET UNION

8 SEC. 517. (a) None of the funds appropriated under
9 the heading "Assistance for the Independent States of the
10 Former Soviet Union" shall be made available for assist-
11 ance for a government of an Independent State of the
12 former Soviet Union if that government directs any action
13 in violation of the territorial integrity or national sov-
14 ereignty of any other Independent State of the former So-
15 viet Union, such as those violations included in the Hel-
16 sinki Final Act: *Provided*, That such funds may be made
17 available without regard to the restriction in this sub-
18 section if the President determines that to do so is in the
19 national security interest of the United States.

20 (b) None of the funds appropriated under the heading
21 "Assistance for the Independent States of the Former So-
22 viet Union" shall be made available for any state to en-
23 hance its military capability: *Provided*, That this restric-
24 tion does not apply to demilitarization, demining or non-
25 proliferation programs.

1 (c) Funds appropriated under the heading “Assist-
2 ance for the Independent States of the Former Soviet
3 Union” for the Russian Federation, Armenia, Georgia,
4 and Ukraine shall be subject to the regular notification
5 procedures of the Committees on Appropriations.

6 (d) Funds made available in this Act for assistance
7 for the Independent States of the former Soviet Union
8 shall be subject to the provisions of section 117 (relating
9 to environment and natural resources) of the Foreign As-
10 sistance Act of 1961.

11 (e) In issuing new task orders, entering into con-
12 tracts, or making grants, with funds appropriated in this
13 Act or prior appropriations Acts under the heading “As-
14 sistance for the Independent States of the Former Soviet
15 Union” and under comparable headings in prior appro-
16 priations Acts, for projects or activities that have as one
17 of their primary purposes the fostering of private sector
18 development, the Coordinator for United States Assistance
19 to Europe and Eurasia and the implementing agency shall
20 encourage the participation of and give significant weight
21 to contractors and grantees who propose investing a sig-
22 nificant amount of their own resources (including volun-
23 teer services and in-kind contributions) in such projects
24 and activities.

1 PROHIBITION ON FUNDING FOR ABORTIONS AND

2 INVOLUNTARY STERILIZATION

3 SEC. 518. None of the funds made available to carry
4 out part I of the Foreign Assistance Act of 1961, as
5 amended, may be used to pay for the performance of abor-
6 tions as a method of family planning or to motivate or
7 coerce any person to practice abortions. None of the funds
8 made available to carry out part I of the Foreign Assist-
9 ance Act of 1961, as amended, may be used to pay for
10 the performance of involuntary sterilization as a method
11 of family planning or to coerce or provide any financial
12 incentive to any person to undergo sterilizations. None of
13 the funds made available to carry out part I of the Foreign
14 Assistance Act of 1961, as amended, may be used to pay
15 for any biomedical research which relates in whole or in
16 part, to methods of, or the performance of, abortions or
17 involuntary sterilization as a means of family planning.
18 None of the funds made available to carry out part I of
19 the Foreign Assistance Act of 1961, as amended, may be
20 obligated or expended for any country or organization if
21 the President certifies that the use of these funds by any
22 such country or organization would violate any of the
23 above provisions related to abortions and involuntary steri-
24 lizations.

1 EXPORT FINANCING TRANSFER AUTHORITIES

2 SEC. 519. Not to exceed 5 percent of any appropria-
3 tion other than for administrative expenses made available
4 for fiscal year 2005, for programs under title I of this
5 Act may be transferred between such appropriations for
6 use for any of the purposes, programs, and activities for
7 which the funds in such receiving account may be used,
8 but no such appropriation, except as otherwise specifically
9 provided, shall be increased by more than 25 percent by
10 any such transfer: *Provided*, That the exercise of such au-
11 thority shall be subject to the regular notification proce-
12 dures of the Committees on Appropriations.

13 SPECIAL NOTIFICATION REQUIREMENTS

14 SEC. 520. None of the funds appropriated by this Act
15 shall be obligated or expended for Liberia, Serbia, Sudan,
16 Zimbabwe, Pakistan, or Cambodia except as provided
17 through the regular notification procedures of the Com-
18 mittees on Appropriations.

19 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

20 SEC. 521. For the purpose of this Act, "program,
21 project, and activity" shall be defined at the appropria-
22 tions Act account level and shall include all appropriations
23 and authorizations Acts earmarks, ceilings, and limita-
24 tions with the exception that for the following accounts:
25 Economic Support Fund and Foreign Military Financing
26 Program, "program, project, and activity" shall also be

1 considered to include country, regional, and central pro-
2 gram level funding within each such account; for the devel-
3 opment assistance accounts of the United States Agency
4 for International Development “program, project, and ac-
5 tivity” shall also be considered to include central, country,
6 regional, and program level funding, either as: (1) justified
7 to the Congress; or (2) allocated by the executive branch
8 in accordance with a report, to be provided to the Commit-
9 tees on Appropriations within 30 days of the enactment
10 of this Act, as required by section 653(a) of the Foreign
11 Assistance Act of 1961.

12 CHILD SURVIVAL AND HEALTH ACTIVITIES

13 SEC. 522. Up to \$13,500,000 of the funds made
14 available by this Act for assistance under the heading
15 “Child Survival and Health Programs Fund”, may be
16 used to reimburse United States Government agencies,
17 agencies of State governments, institutions of higher
18 learning, and private and voluntary organizations for the
19 full cost of individuals (including for the personal services
20 of such individuals) detailed or assigned to, or contracted
21 by, as the case may be, the United States Agency for
22 International Development for the purpose of carrying out
23 activities under that heading: *Provided*, That up to
24 \$3,500,000 of the funds made available by this Act for
25 assistance under the heading “Development Assistance”
26 may be used to reimburse such agencies, institutions, and

1 organizations for such costs of such individuals carrying
2 out other development assistance activities: *Provided fur-*
3 *ther*, That funds appropriated by titles II and III of this
4 Act that are made available for bilateral assistance for
5 child survival activities or disease programs including ac-
6 tivities relating to research on, and the prevention, treat-
7 ment and control of, HIV/AIDS may be made available
8 notwithstanding any other provision of law except for the
9 provisions under the heading "Child Survival and Health
10 Programs Fund" and the United States Leadership
11 Against HIV/AIDS, Tuberculosis, and Malaria Act of
12 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
13 ed: *Provided further*, That of the funds appropriated under
14 title II of this Act, not less than \$441,000,000 shall be
15 made available for family planning/reproductive health.

16 AFGHANISTAN

17 SEC. 523. Of the funds appropriated by titles II and
18 III of this Act, not less than \$980,000,000 should be made
19 available for humanitarian, reconstruction, and related as-
20 sistance for Afghanistan: *Provided*, That of the funds
21 made available pursuant to this section, not less than
22 \$2,000,000 should be made available for reforestation ac-
23 tivities: *Provided further*, That funds made available pur-
24 suant to the previous proviso should be matched, to the
25 maximum extent possible, with contributions from Amer-
26 ican and Afghan businesses: *Provided further*, That of the

1 funds made available pursuant to this section, not less
2 than \$2,000,000 should be made available for the Afghan
3 Independent Human Rights Commission and for other Af-
4 ghan human rights organizations: *Provided further*, That
5 to the maximum extent practicable members of the Afghan
6 National Army should be vetted for involvement in ter-
7 rorism, human rights violations, and drug trafficking: *Pro-*
8 *vided further*, That of the funds allocated for assistance
9 for Afghanistan from this Act and other Acts making ap-
10 propriations for foreign operations, export financing, and
11 related programs for fiscal year 2005, not less than
12 \$50,000,000 should be made available to support pro-
13 grams that directly address the needs of Afghan women
14 and girls, of which not less than \$7,500,000 shall be made
15 available for small grants to support training and equip-
16 ment to improve the capacity of women-led Afghan non-
17 governmental organizations and to support the activities
18 of such organizations.

19 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

20 SEC. 524. Prior to providing excess Department of
21 Defense articles in accordance with section 516(a) of the
22 Foreign Assistance Act of 1961, the Department of De-
23 fense shall notify the Committees on Appropriations to the
24 same extent and under the same conditions as are other
25 committees pursuant to subsection (f) of that section: *Pro-*
26 *vided*, That before issuing a letter of offer to sell excess

1 defense articles under the Arms Export Control Act, the
2 Department of Defense shall notify the Committees on
3 Appropriations in accordance with the regular notification
4 procedures of such Committees if such defense articles are
5 significant military equipment (as defined in section 47(9)
6 of the Arms Export Control Act) or are valued (in terms
7 of original acquisition cost) at \$7,000,000 or more, or if
8 notification is required elsewhere in this Act for the use
9 of appropriated funds for specific countries that would re-
10 ceive such excess defense articles: *Provided further*, That
11 such Committees shall also be informed of the original ac-
12 quisition cost of such defense articles.

13 HIV/AIDS

14 SEC. 525. (a)(1) Notwithstanding any other provision
15 of this Act, 25 percent of the funds that are appropriated
16 by this Act for a contribution to support the Global Fund
17 to Fight AIDS, Tuberculosis and Malaria (the "Global
18 Fund") shall be withheld from obligation to the Global
19 Fund until the Secretary of State certifies to the Commit-
20 tees on Appropriations that the Global Fund—

21 (A) is establishing a full time, professional,
22 independent office which reports directly to the
23 Global Fund Board regarding, among other things,
24 the integrity of processes for consideration and ap-
25 proval of grant proposals, and the implementation,

1 monitoring and evaluation of grants made by the
2 Global Fund;

3 (B) is strengthening domestic civil society par-
4 ticipation, especially for people living with HIV/
5 AIDS, in country coordinating mechanisms;

6 (C) is establishing procedures to assess the
7 need for, and coordinate, technical assistance for
8 Global Fund activities, in cooperation with bilateral
9 and multilateral donors;

10 (D) has established clear progress indicators
11 upon which to determine the release of incremental
12 disbursements;

13 (E) is releasing such incremental disbursements
14 only if positive results have been attained based on
15 those indicators; and

16 (F) is providing support and oversight to coun-
17 try-level entities, such as country coordinating mech-
18 anisms, principal recipients, and local Fund agents,
19 to enable them to fulfill their mandates.

20 (2) The Secretary of State may waive paragraph (1)
21 of this subsection if he determines and reports to the Com-
22 mittees on Appropriations that such waiver is important
23 to the national interest of the United States.

24 (b)(1) In furtherance of the purposes of section 104A
25 of the Foreign Assistance Act of 1961, and to assist in

1 providing a safe, secure, reliable, and sustainable supply
2 chain of pharmaceuticals and other products needed to
3 provide care and treatment of persons with HIV/AIDS
4 and related infections, the Coordinator of the United
5 States Government Activities to Combat HIV/AIDS Glob-
6 ally (the “Coordinator”) is authorized to establish an
7 HIV/AIDS Working Capital Fund (in this section referred
8 to as the “HIV/AIDS Fund”).

9 (2) Funds deposited during any fiscal year in the
10 HIV/AIDS Fund shall be available without fiscal year lim-
11 itation and used for pharmaceuticals and other products
12 needed to provide care and treatment of persons with
13 HIV/AIDS and related infections, including, but not lim-
14 ited to—

15 (A) anti-retroviral drugs;

16 (B) other pharmaceuticals and medical items
17 needed to provide care and treatment to persons
18 with HIV/AIDS and related infections;

19 (C) laboratory and other supplies for per-
20 forming tests related to the provision of care and
21 treatment to persons with HIV/AIDS and related in-
22 fections;

23 (D) other medical supplies needed for the oper-
24 ation of HIV/AIDS treatment and care centers, in-

1 cluding products needed in programs for the preven-
2 tion of mother-to-child transmission;

3 (E) pharmaceuticals and health commodities
4 needed for the provision of palliative care; and

5 (F) laboratory and clinical equipment, as well
6 as equipment needed for the transportation and care
7 of HIV/AIDS supplies, and other equipment needed
8 to provide prevention, care and treatment of HIV/
9 AIDS described above.

10 (3) There may be deposited during any fiscal year
11 in the HIV/AIDS Fund payments for HIV/AIDS pharma-
12 ceuticals and products provided from the HIV/AIDS Fund
13 received from applicable appropriations and funds of the
14 United States Agency for International Development, the
15 Department of Health and Human Services, the Depart-
16 ment of Defense, or other Federal agencies and other
17 sources at actual cost of the HIV/AIDS pharmaceuticals
18 and other products, actual cost plus the additional costs
19 of providing such HIV/AIDS pharmaceuticals and other
20 products, or at any other price agreed to by the Coordi-
21 nator or his designee.

22 (4) There may be deposited in the HIV/AIDS Fund
23 payments for the loss of, or damage to, HIV/AIDS phar-
24 maceuticals and products held in the HIV/AIDS Fund, re-

1 bates, reimbursements, refunds and other credits ~~applica-~~ applicable
2 tion to the operation of the HIV/AIDS Fund.

3 (5) At the close of each fiscal year the Coordinator
4 may transfer out of the HIV/AIDS Fund to other HIV/
5 AIDS programmatic areas such amounts as the Coordi-
6 nator determines to be in excess of the needs of the HIV/
7 AIDS Fund.

8 (6) At the close of each fiscal year the Coordinator
9 shall submit a report to the Committees on Appropriations
10 detailing the financial activities of the HIV/AIDS Fund,
11 including sources of income and information regarding
12 disbursements.

13 DEMOCRACY PROGRAMS

14 SEC. 526. (a) Notwithstanding any other provision
15 of law, of the funds appropriated by this Act to carry out
16 the provisions of chapter 4 of part II of the Foreign As-
17 sistance Act of 1961, not less than \$19,000,000 shall be
18 made available for assistance for activities to support de-
19 mocracy, human rights, and the rule of law in the People's
20 Republic of China and Hong Kong: *Provided*, That funds
21 appropriated under the heading "Economic Support
22 Fund" should be made available for assistance for Taiwan
23 for the purposes of furthering political and legal reforms:
24 *Provided further*, That such funds shall only be made
25 available to the extent that they are matched from sources
26 other than the United States Government: *Provided fur-*

1 *ther*, That funds made available pursuant to the authority
2 of this subsection shall be subject to the regular notifica-
3 tion procedures of the Committees on Appropriations.

4 (b)(1) In addition to the funds made available in sub-
5 section (a), of the funds appropriated by this Act under
6 the heading "Economic Support Fund" not less than
7 \$15,000,000 shall be made available for programs and ac-
8 tivities to foster democracy, human rights, civic education,
9 women's development, press freedom, and the rule of law
10 in countries with a significant Muslim population, and
11 where such programs and activities would be important
12 to United States efforts to respond to, deter, or prevent
13 acts of international terrorism: *Provided*, That funds made
14 available pursuant to the authority of this subsection
15 should support new initiatives and activities in those coun-
16 tries: *Provided further*, That of the funds appropriated
17 under this heading, \$3,000,000 shall be made available
18 for programs and activities that provide professional train-
19 ing for journalists: *Provided further*, That notwithstanding
20 any other provision of law, not less than \$3,000,000 of
21 such funds may be used for making grants to educational,
22 humanitarian and nongovernmental organizations and in-
23 dividuals inside Iran to support the advancement of de-
24 mocracy and human rights in Iran: *Provided further*, That
25 notwithstanding any other provision of law, funds appro-

1 priated pursuant to the authority of this subsection may
2 be made available for democracy, human rights, and rule
3 of law programs for Syria: *Provided further*, That funds
4 made available pursuant to this subsection shall be subject
5 to the regular notification procedures of the Committees
6 on Appropriations.

7 (2) In addition to funds made available under sub-
8 sections (a) and (b)(1), of the funds appropriated by this
9 Act under the heading "Economic Support Fund" not less
10 than \$4,500,000 shall be made available for programs and
11 activities of the National Endowment for Democracy to
12 foster democracy, human rights, civic education, women's
13 development, press freedom, and the rule of law in coun-
14 tries in sub-Saharan Africa.

15 (c) Of the funds made available under subsection (a),
16 not less than \$15,000,000 shall be made available for the
17 Human Rights and Democracy Fund of the Bureau of De-
18 mocracy, Human Rights and Labor, Department of State,
19 to support the activities described in subsection (a), and
20 of the funds made available under subsection (b)(1), not
21 less than \$11,000,000 shall be made available for such
22 Fund to support the activities described in subsection
23 (b)(1): *Provided*, That up to \$1,200,000 may be used for
24 the Reagan/Fascell Democracy Fellows program: *Provided*
25 *further*, That the total amount of funds made available by

1 this Act under "Economic Support Fund" for activities
2 of the Bureau of Democracy, Human Rights and Labor,
3 Department of State, including funds available in this sec-
4 tion, shall be not less than \$37,000,000.

5 (d) Of the funds made available under subsection (a),
6 not less than \$4,000,000 shall be made available for the
7 National Endowment for Democracy to support the activi-
8 ties described in subsection (a), and of the funds made
9 available under subsection (b)(1), not less than
10 \$4,000,000 shall be made available for the National En-
11 dowment for Democracy to support the activities described
12 in subsection (b)(1): *Provided*, That the Secretary of State
13 shall provide a report to the Committees on Appropria-
14 tions within 120 days of the date of enactment of this
15 Act on the status of the allocation and obligation of such
16 funds.

17 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
18 COUNTRIES

19 SEC. 527. (a) Funds appropriated for bilateral assist-
20 ance under any heading of this Act and funds appro-
21 priated under any such heading in a provision of law en-
22 acted prior to the enactment of this Act, shall not be made
23 available to any country which the President determines—

24 (1) grants sanctuary from prosecution to any
25 individual or group which has committed an act of
26 international terrorism; or

1 (2) otherwise supports international terrorism.

2 (b) The President may waive the application of sub-
3 section (a) to a country if the President determines that
4 national security or humanitarian reasons justify such
5 waiver. The President shall publish each waiver in the
6 Federal Register and, at least 15 days before the waiver
7 takes effect, shall notify the Committees on Appropria-
8 tions of the waiver (including the justification for the waiv-
9 er) in accordance with the regular notification procedures
10 of the Committees on Appropriations.

11 DEBT-FOR-DEVELOPMENT

12 SEC. 528. In order to enhance the continued partici-
13 pation of nongovernmental organizations in debt-for-devel-
14 opment and debt-for-nature exchanges, a nongovern-
15 mental organization which is a grantee or contractor of
16 the United States Agency for International Development
17 may place in interest bearing accounts local currencies
18 which accrue to that organization as a result of economic
19 assistance provided under title II of this Act and, subject
20 to the regular notification procedures of the Committees
21 on Appropriations, any interest earned on such investment
22 shall be used for the purpose for which the assistance was
23 provided to that organization.

24 SEPARATE ACCOUNTS

25 SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL
26 CURRENCIES.—(1) If assistance is furnished to the gov-

1 ernment of a foreign country under chapters 1 and 10 of
2 part I or chapter 4 of part II of the Foreign Assistance
3 Act of 1961 under agreements which result in the genera-
4 tion of local currencies of that country, the Administrator
5 of the United States Agency for International Develop-
6 ment shall—

7 (A) require that local currencies be deposited in
8 a separate account established by that government;

9 (B) enter into an agreement with that govern-
10 ment which sets forth—

11 (i) the amount of the local currencies to be
12 generated; and

13 (ii) the terms and conditions under which
14 the currencies so deposited may be utilized, con-
15 sistent with this section; and

16 (C) establish by agreement with that govern-
17 ment the responsibilities of the United States Agen-
18 cy for International Development and that govern-
19 ment to monitor and account for deposits into and
20 disbursements from the separate account.

21 (2) USES OF LOCAL CURRENCIES.—As may be agreed
22 upon with the foreign government, local currencies depos-
23 ited in a separate account pursuant to subsection (a), or
24 an equivalent amount of local currencies, shall be used
25 only—

1 (A) to carry out chapter 1 or 10 of part I or
2 chapter 4 of part II (as the case may be), for such
3 purposes as—

4 (i) project and sector assistance activities;
5 or

6 (ii) debt and deficit financing; or

7 (B) for the administrative requirements of the
8 United States Government.

9 (3) PROGRAMMING ACCOUNTABILITY.—The United
10 States Agency for International Development shall take all
11 necessary steps to ensure that the equivalent of the local
12 currencies disbursed pursuant to subsection (a)(2)(A)
13 from the separate account established pursuant to sub-
14 section (a)(1) are used for the purposes agreed upon pur-
15 suant to subsection (a)(2).

16 (4) TERMINATION OF ASSISTANCE PROGRAMS.—
17 Upon termination of assistance to a country under chapter
18 1 or 10 of part I or chapter 4 of part II (as the case
19 may be), any unencumbered balances of funds which re-
20 main in a separate account established pursuant to sub-
21 section (a) shall be disposed of for such purposes as may
22 be agreed to by the government of that country and the
23 United States Government.

24 (5) REPORTING REQUIREMENT.—The Administrator
25 of the United States Agency for International Develop-

1 ment shall report on an annual basis as part of the jus-
2 tification documents submitted to the Committees on Ap-
3 propriations on the use of local currencies for the adminis-
4 trative requirements of the United States Government as
5 authorized in subsection (a)(2)(B), and such report shall
6 include the amount of local currency (and United States
7 dollar equivalent) used and/or to be used for such purpose
8 in each applicable country.

9 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

10 (1) If assistance is made available to the government of
11 a foreign country, under chapter 1 or 10 of part I or chap-
12 ter 4 of part II of the Foreign Assistance Act of 1961,
13 as cash transfer assistance or as nonproject sector assist-
14 ance, that country shall be required to maintain such
15 funds in a separate account and not commingle them with
16 any other funds.

17 (2) APPLICABILITY OF OTHER PROVISIONS OF
18 LAW.—Such funds may be obligated and expended not-
19 withstanding provisions of law which are inconsistent with
20 the nature of this assistance including provisions which
21 are referenced in the Joint Explanatory Statement of the
22 Committee of Conference accompanying House Joint Res-
23 olution 648 (House Report No. 98–1159).

24 (3) NOTIFICATION.—At least 15 days prior to obli-
25 gating any such cash transfer or nonproject sector assist-

1 ance, the President shall submit a notification through the
2 regular notification procedures of the Committees on Ap-
3 propriations, which shall include a detailed description of
4 how the funds proposed to be made available will be used,
5 with a discussion of the United States interests that will
6 be served by the assistance (including, as appropriate, a
7 description of the economic policy reforms that will be pro-
8 moted by such assistance).

9 (4) EXEMPTION.—Nonproject sector assistance funds
10 may be exempt from the requirements of subsection (b)(1)
11 only through the notification procedures of the Commit-
12 tees on Appropriations.

13 ENTERPRISE FUND RESTRICTIONS

14 SEC. 530. (a) Prior to the distribution of any assets
15 resulting from any liquidation, dissolution, or winding up
16 of an Enterprise Fund, in whole or in part, the President
17 shall submit to the Committees on Appropriations, in ac-
18 cordance with the regular notification procedures of the
19 Committees on Appropriations, a plan for the distribution
20 of the assets of the Enterprise Fund.

21 (b) Funds made available by this Act for Enterprise
22 Funds shall be expended at the minimum rate necessary
23 to make timely payment for projects and activities.

24 BURMA

25 SEC. 531. (a) The Secretary of the Treasury shall
26 instruct the United States executive director to each ap-

1 propriate international financial institution in which the
2 United States participates, to oppose and vote against the
3 extension by such institution of any loan or financial or
4 technical assistance or any other utilization of funds of
5 the respective bank to and for Burma.

6 (b) Of the funds appropriated under the heading
7 “Economic Support Fund”, not less than \$8,000,000 shall
8 be made available to support democracy activities in
9 Burma, along the Burma-Thailand border, for activities
10 of Burmese student groups and other organizations lo-
11 cated outside Burma, and for the purpose of supporting
12 the provision of humanitarian assistance to displaced Bur-
13 mese along Burma’s borders: *Provided*, That funds made
14 available under this heading may be made available not-
15 withstanding any other provision of law: *Provided further*,
16 That in addition to assistance for Burmese refugees pro-
17 vided under the heading “Migration and Refugee Assist-
18 ance” in this Act, not less than \$4,000,000 shall be allo-
19 cated to the United States Agency for International Devel-
20 opment for humanitarian assistance for displaced Bur-
21 mese and host communities in Thailand: *Provided further*,
22 That funds made available under this section shall be sub-
23 ject to the regular notification procedures of the Commit-
24 tees on Appropriations.

1 (c) The President shall include amounts expended by
2 the Global Fund to Fight AIDS, Tuberculosis and Malaria
3 to the State Peace and Development Council in Burma,
4 directly or through groups and organizations affiliated
5 with the Global Fund, in making determinations regarding
6 the amount to be withheld by the United States from its
7 contribution to the Global Fund pursuant to section
8 202(d)(4)(A)(ii) of Public Law 108-25.

9 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
10 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

11 SEC. 532. Unless expressly provided to the contrary,
12 provisions of this or any other Act, including provisions
13 contained in prior Acts authorizing or making appropria-
14 tions for foreign operations, export financing, and related
15 programs, shall not be construed to prohibit activities au-
16 thorized by or conducted under the Peace Corps Act, the
17 Inter-American Foundation Act or the African Develop-
18 ment Foundation Act. The agency shall promptly report
19 to the Committees on Appropriations whenever it is con-
20 ducting activities or is proposing to conduct activities in
21 a country for which assistance is prohibited.

22 IMPACT ON JOBS IN THE UNITED STATES

23 SEC. 533. None of the funds appropriated by this Act
24 may be obligated or expended to provide—

25 (1) any financial incentive to a business enter-
26 prise currently located in the United States for the

1 purpose of inducing such an enterprise to relocate
2 outside the United States if such incentive or in-
3 ducement is likely to reduce the number of employ-
4 ees of such business enterprise in the United States
5 because United States production is being replaced
6 by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4) (D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

19 SPECIAL AUTHORITIES

20 SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON,
21 MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN,
22 AND DISPLACED BURMESE.—Funds appropriated by this
23 Act that are made available for assistance for Afghanistan
24 may be made available notwithstanding section 512 of this
25 Act or any similar provision of law and section 660 of the
26 Foreign Assistance Act of 1961, and funds appropriated

1 in titles I and II of this Act that are made available for
2 Lebanon, Montenegro, Pakistan, and for victims of war,
3 displaced children, and displaced Burmese, and to assist
4 victims of trafficking in persons and, subject to the regular
5 notification procedures of the Committees on Appropria-
6 tions, to combat such trafficking, may be made available
7 notwithstanding any other provision of law.

8 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-
9 SERVATION ACTIVITIES.—Funds appropriated by this Act
10 to carry out the provisions of sections 103 through 106,
11 and chapter 4 of part II, of the Foreign Assistance Act
12 of 1961 may be used, notwithstanding any other provision
13 of law, for the purpose of supporting tropical forestry and
14 biodiversity conservation activities and energy programs
15 aimed at reducing greenhouse gas emissions: *Provided,*
16 That such assistance shall be subject to sections 116,
17 502B, and 620A of the Foreign Assistance Act of 1961.

18 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
19 propriated by this Act to carry out chapter 1 of part I,
20 chapter 4 of part II, and section 667 of the Foreign As-
21 sistance Act of 1961, and title II of the Agricultural Trade
22 Development and Assistance Act of 1954, may be used
23 by the United States Agency for International Develop-
24 ment to employ up to 25 personal services contractors in
25 the United States, notwithstanding any other provision of

1 law, for the purpose of providing direct, interim support
2 for new or expanded overseas programs and activities
3 managed by the agency until permanent direct hire per-
4 sonnel are hired and trained: *Provided*, That not more
5 than 10 of such contractors shall be assigned to any bu-
6 reau or office: *Provided further*, That such funds appro-
7 priated to carry out title II of the Agricultural Trade De-
8 velopment and Assistance Act of 1954, may be made avail-
9 able only for personal services contractors assigned to the
10 Office of Food for Peace.

11 (d)(1) WAIVER.—The President may waive the provi-
12 sions of section 1003 of Public Law 100–204 if the Presi-
13 dent determines and certifies in writing to the Speaker
14 of the House of Representatives and the President pro
15 tempore of the Senate that it is important to the national
16 security interests of the United States.

17 (2) PERIOD OF APPLICATION OF WAIVER.—Any waiv-
18 er pursuant to paragraph (1) shall be effective for no more
19 than a period of 6 months at a time and shall not apply
20 beyond 12 months after the enactment of this Act.

21 (e) SMALL BUSINESS.—In entering into multiple
22 award indefinite-quantity contracts with funds appro-
23 priated by this Act, the United States Agency for Inter-
24 national Development may provide an exception to the fair
25 opportunity process for placing task orders under such

1 contracts when the order is placed with any category of
2 small or small disadvantaged business.

3 (f) CONTINGENCIES.—During fiscal year 2005, the
4 President may use up to \$45,000,000 under the authority
5 of section 451 of the Foreign Assistance Act of 1961, not-
6 withstanding the funding ceiling in section 451(a).

7 (g) RECONSTITUTING CIVILIAN POLICE AUTHOR-
8 ITY.—In providing assistance with funds appropriated by
9 this Act under section 660(b)(6) of the Foreign Assistance
10 Act of 1961, support for a nation emerging from insta-
11 bility may be deemed to mean support for regional, dis-
12 trict, municipal, or other sub-national entity emerging
13 from instability, as well as a nation emerging from insta-
14 bility.

15 (h) WORLD FOOD PROGRAM.—Of the funds managed
16 by the Bureau for Democracy, Conflict, and Humanitarian
17 Assistance of the United States Agency for International
18 Development, from this or any other Act, not less than
19 \$6,000,000 shall be made available as a general contribu-
20 tion to the World Food Program, notwithstanding any
21 other provision of law.

22 (i) NATIONAL ENDOWMENT FOR DEMOCRACY.—
23 Funds appropriated by this Act that are provided to the
24 National Endowment for Democracy may be provided not-
25 withstanding any other provision of law or regulation.

1 (j) TECHNICAL AMENDMENT.—Section 201(a)(2) of
2 the North Korean Human Rights Act of 2004 (Public Law
3 108–333) is amended by striking “paragraphs (1) through
4 (4) of section 202(b)” and inserting “subparagraphs (A)
5 through (D) of section 202(b)(1)”.

6 (k) REPORT MODIFICATION.—Section 406(b)(4) of
7 the Foreign Relations Authorization Act, Fiscal Years
8 1990 and 1991 (Public Law 101–246; 22 U.S.C.
9 2414a(b)(4)) is amended by inserting after “United
10 States” the following: “, including a separate listing of all
11 plenary votes cast by member countries of the United Na-
12 tions in the General Assembly on resolutions specifically
13 related to Israel that are opposed by the United States”.

14 (l) UNIVERSITY PROGRAMS.—Notwithstanding any
15 other provision of law, funds made available in this Act
16 under the heading “Development Assistance” may be
17 made available to American educational institutions for
18 programs and activities in the People’s Republic of China
19 relating to the environment, democracy, and the rule of
20 law: *Provided*, That funds made available pursuant to this
21 authority shall be subject to the regular notification proce-
22 dures of the Committees on Appropriations.

23 (m) INDOCHINESE PAROLEES.—Section 586 of the
24 Foreign Operations, Export Financing, and Related Pro-
25 grams Appropriations Act, 2001 (8 U.S.C. 1255 note), as

1 enacted into law by section 101(a) of Public Law 106–
2 429, is amended—

3 (1) by striking “Attorney General” each place
4 that term appears and inserting “Secretary of
5 Homeland Security”;

6 (2) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “she” and inserting “the Secretary
9 of Homeland Security”; and

10 (B) in paragraph (1), by striking “within
11 three years after the date of promulgation by
12 the Attorney General of regulations in connec-
13 tion with this title”;

14 (3) in subsection (c), by striking “212(8)(A)”
15 and inserting “212(a)(8)(A)”;

16 (4) by striking subsection (d);

17 (5) by redesignating subsections (e) and (f) as
18 subsections (d) and (e), respectively;

19 (6) by adding at the end the following new sub-
20 section:

21 “(f) ADJUDICATION OF APPLICATIONS.—The Sec-
22 retary of Homeland Security shall—

23 “(1) adjudicate applications for adjustment
24 under this section, notwithstanding any limitation on
25 the number of adjustments under this section or any

1 deadline for such applications that previously existed
2 in law or regulation; and

3 “(2) not charge a fee in addition to any fee that
4 previously was submitted with such application.”;
5 and

6 (7) The amendments made by this subsection
7 shall take effect as if enacted as part of the Foreign
8 Operations, Export Financing, and Related Pro-
9 grams Appropriations Act, 2001.

10 (n) EXTENSION OF AUTHORITY.—Public Law 107–
11 57, as amended, is further amended—

12 (1) in section 1(b) by striking “2004” wherever
13 appearing (including in the caption), and inserting
14 in lieu thereof “2005”;

15 (2) in section 3(2), by striking “and 2004”
16 and inserting in lieu thereof “2004 and 2005”; and

17 (3) in section 6, by striking “2004” and insert-
18 ing in lieu thereof “2005”.

19 (o) ENDOWMENTS.—

20 (1) Of the funds appropriated by this Act and
21 prior Acts making appropriations for foreign oper-
22 ations, export financing, and related programs, that
23 are available for assistance for Cambodia, the fol-
24 lowing amounts should be made available as follows:

1 (A) \$2,000,000 for an endowment for a
2 Cambodian nongovernmental organization to
3 document genocide and crimes against human-
4 ity in Cambodia; and

5 (B) \$3,750,000 for an endowment for an
6 American nongovernmental organization to sus-
7 tain rehabilitation programs in Cambodia for
8 persons suffering from physical disabilities.

9 (2) Such organizations may place amounts
10 made available under this subsection in interest
11 bearing accounts and any interest earned on such in-
12 vestment shall be used for the purpose for which
13 funds were made available under this subsection.

14 (p) EXTENSION OF AUTHORITY.—Chapter 5 of title
15 I of the Emergency Wartime Supplemental Appropriations
16 Act, 2003 (Public Law 108–11), is amended under the
17 heading “Loan Guarantees to Israel”—

18 (1) by striking “During the period beginning
19 March 1, 2003, and ending September 30, 2005,”
20 and inserting “During the period beginning March
21 1, 2003, and ending September 30, 2007,”; and

22 (2) by striking “That if less than the full
23 amount of guarantees authorized to be made avail-
24 able is issued prior to September 30, 2005,” and in-
25 serting “That if less than the full amount of guaran-

1 tees authorized to be made available is issued prior
2 to September 30, 2007,”.

3 (q) DEFINITION.—Section 603 of title VI of Division
4 D of the Consolidated Appropriations Act, 2004, Public
5 Law 108–199, is amended by adding the following para-
6 graph:

7 “(8) INVESTMENTS IN THE PEOPLE.—The term “in-
S 8 vestment in the people” means government policies
9 or programs of an eligible country that promote the
10 health, education, and other factors which contribute
11 to the well-being and productivity of their people,
12 such as decent, affordable housing for all.”

13 ARAB LEAGUE BOYCOTT OF ISRAEL

14 SEC. 535. It is the sense of the Congress that—

15 (1) the Arab League boycott of Israel, and the
16 secondary boycott of American firms that have com-
17 mercial ties with Israel, is an impediment to peace
18 in the region and to United States investment and
19 trade in the Middle East and North Africa;

20 (2) the Arab League boycott, which was regret-
21 tably reinstated in 1997, should be immediately and
22 publicly terminated, and the Central Office for the
23 Boycott of Israel immediately disbanded;

24 (3) the three Arab League countries with diplo-
25 matic and trade relations with Israel should return
26 their ambassadors to Israel, should refrain from

1 downgrading their relations with Israel, and should
2 play a constructive role in securing a peaceful reso-
3 lution of the Israeli-Arab conflict;

4 (4) the remaining Arab League states should
5 normalize relations with their neighbor Israel;

6 (5) the President and the Secretary of State
7 should continue to vigorously oppose the Arab
8 League boycott of Israel and find concrete steps to
9 demonstrate that opposition by, for example, taking
10 into consideration the participation of any recipient
11 country in the boycott when determining to sell
12 weapons to said country; and

13 (6) the President should report to Congress an-
14 nually on specific steps being taken by the United
15 States to encourage Arab League states to normalize
16 their relations with Israel to bring about the termi-
17 nation of the Arab League boycott of Israel, includ-
18 ing those to encourage allies and trading partners of
19 the United States to enact laws prohibiting busi-
20 nesses from complying with the boycott and penal-
21 izing businesses that do comply.

22 ELIGIBILITY FOR ASSISTANCE

23 SEC. 536. (a) ASSISTANCE THROUGH NONGOVERN-
24 MENTAL ORGANIZATIONS.—Restrictions contained in this
25 or any other Act with respect to assistance for a country
26 shall not be construed to restrict assistance in support of

1 programs of nongovernmental organizations from funds
2 appropriated by this Act to carry out the provisions of
3 chapters 1, 10, 11, and 12 of part I and chapter 4 of
4 part II of the Foreign Assistance Act of 1961, and from
5 funds appropriated under the heading "Assistance for
6 Eastern Europe and the Baltic States": *Provided*, That
7 before using the authority of this subsection to furnish as-
8 sistance in support of programs of nongovernmental orga-
9 nizations, the President shall notify the Committees on
10 Appropriations under the regular notification procedures
11 of those committees, including a description of the pro-
12 gram to be assisted, the assistance to be provided, and
13 the reasons for furnishing such assistance: *Provided fur-*
14 *ther*, That nothing in this subsection shall be construed
15 to alter any existing statutory prohibitions against abor-
16 tion or involuntary sterilizations contained in this or any
17 other Act.

18 (b) PUBLIC LAW 480.—During fiscal year 2005, re-
19 strictions contained in this or any other Act with respect
20 to assistance for a country shall not be construed to re-
21 strict assistance under the Agricultural Trade Develop-
22 ment and Assistance Act of 1954: *Provided*, That none
23 of the funds appropriated to carry out title I of such Act
24 and made available pursuant to this subsection may be
25 obligated or expended except as provided through the reg-

1 ular notification procedures of the Committees on Appro-
2 priations.

3 (c) EXCEPTION.—This section shall not apply—

4 (1) with respect to section 620A of the Foreign
5 Assistance Act of 1961 or any comparable provision
6 of law prohibiting assistance to countries that sup-
7 port international terrorism; or

8 (2) with respect to section 116 of the Foreign
9 Assistance Act of 1961 or any comparable provision
10 of law prohibiting assistance to the government of a
11 country that violates internationally recognized
12 human rights.

13 RESERVATIONS OF FUNDS

14 SEC. 537. (a) Funds appropriated by this Act which
15 are earmarked may be reprogrammed for other programs
16 within the same account notwithstanding the earmark if
17 compliance with the earmark is made impossible by oper-
18 ation of any provision of this or any other Act: *Provided*,
19 That any such reprogramming shall be subject to the reg-
20 ular notification procedures of the Committees on Appro-
21 priations: *Provided further*, That assistance that is repro-
22 grammed pursuant to this subsection shall be made avail-
23 able under the same terms and conditions as originally
24 provided.

25 (b) In addition to the authority contained in sub-
26 section (a), the original period of availability of funds ap-

1 propriated by this Act and administered by the United
2 States Agency for International Development that are ear-
3 marked for particular programs or activities by this or any
4 other Act shall be extended for an additional fiscal year
5 if the Administrator of such agency determines and re-
6 ports promptly to the Committees on Appropriations that
7 the termination of assistance to a country or a significant
8 change in circumstances makes it unlikely that such ear-
9 marked funds can be obligated during the original period
10 of availability: *Provided*, That such earmarked funds that
11 are continued available for an additional fiscal year shall
12 be obligated only for the purpose of such earmark.

13 CEILINGS AND EARMARKS

14 SEC. 538. Ceilings and earmarks contained in this
15 Act shall not be applicable to funds or authorities appro-
16 priated or otherwise made available by any subsequent Act
17 unless such Act specifically so directs. Earmarks or min-
18 imum funding requirements contained in any other Act
19 shall not be applicable to funds appropriated by this Act.

20 PROHIBITION ON PUBLICITY OR PROPAGANDA

21 SEC. 539. No part of any appropriation contained in
22 this Act shall be used for publicity or propaganda purposes
23 within the United States not authorized before the date
24 of the enactment of this Act by the Congress: *Provided*,
25 That not to exceed \$750,000 may be made available to

1 carry out the provisions of section 316 of Public Law 96–
2 533.

3 PROHIBITION OF PAYMENTS TO UNITED NATIONS

4 MEMBERS

5 SEC. 540. None of the funds appropriated or made
6 available pursuant to this Act for carrying out the Foreign
7 Assistance Act of 1961, may be used to pay in whole or
8 in part any assessments, arrearages, or dues of any mem-
9 ber of the United Nations or, from funds appropriated by
10 this Act to carry out chapter 1 of part I of the Foreign
11 Assistance Act of 1961, the costs for participation of an-
12 other country's delegation at international conferences
13 held under the auspices of multilateral or international or-
14 ganizations.

15 NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

16 SEC. 541. None of the funds appropriated or made
17 available pursuant to this Act shall be available to a non-
18 governmental organization which fails to provide upon
19 timely request any document, file, or record necessary to
20 the auditing requirements of the United States Agency for
21 International Development.

1 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
2 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
3 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
4 TERRORISM

5 SEC. 542. (a) None of the funds appropriated or oth-
6 erwise made available by this Act may be available to any
7 foreign government which provides lethal military equip-
8 ment to a country the government of which the Secretary
9 of State has determined is a terrorist government for pur-
10 poses of section 6(j) of the Export Administration Act.
11 The prohibition under this section with respect to a for-
12 eign government shall terminate 12 months after that gov-
13 ernment ceases to provide such military equipment. This
14 section applies with respect to lethal military equipment
15 provided under a contract entered into after October 1,
16 1997.

17 (b) Assistance restricted by subsection (a) or any
18 other similar provision of law, may be furnished if the
19 President determines that furnishing such assistance is
20 important to the national interests of the United States.

21 (c) Whenever the waiver authority of subsection (b)
22 is exercised, the President shall submit to the appropriate
23 congressional committees a report with respect to the fur-
24 nishing of such assistance. Any such report shall include
25 a detailed explanation of the assistance to be provided, in-

1 cluding the estimated dollar amount of such assistance,
2 and an explanation of how the assistance furthers United
3 States national interests.

4 WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND
5 REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

6 SEC. 543. (a) Subject to subsection (c), of the funds
7 appropriated by this Act that are made available for as-
8 sistance for a foreign country, an amount equal to 110
9 percent of the total amount of the unpaid fully adjudicated
10 parking fines and penalties and unpaid property taxes
11 owed by the central government of such country shall be
12 withheld from obligation for assistance for the central gov-
13 ernment of such country until the Secretary of State sub-
14 mits a certification to the appropriate congressional com-
15 mittees stating that such parking fines and penalties and
16 unpaid property taxes are fully paid.

17 (b) Funds withheld from obligation pursuant to sub-
18 section (a) may be made available for other programs or
19 activities funded by this Act, after consultation with and
20 subject to the ~~regulation~~^{regular} notification procedures of the ap-
21 propriate congressional committees, provided that no such
22 funds shall be made available for assistance for the central
23 government of a foreign country that has not paid the
24 total amount of the fully adjudicated parking fines and
25 penalties and ~~unpaid~~^{unpaid} property taxes owed by such country.

1 (c) Subsection (a) shall not include amounts that
2 have been withheld under any other provision of law.

3 (d)(1) The Secretary of State may waive the require-
4 ments set forth in subsection (a) with respect to parking
5 fines and penalties no sooner than 60 days from the date
6 of enactment of this Act, or at any time with respect to
7 a particular country, if the Secretary determines that it
8 is in the national interests of the United States to do so.

9 (2) the Secretary of State may waive the require-
10 ments set forth in subsection (a) with respect to the un-
11 paid property taxes if the Secretary of State determines
12 that it is in the national interests of the United States
13 to do so.

14 (e) Not later than 6 months after the initial exercise
15 of the waiver authority in subsection (d), the Secretary
16 of State, after consultations with the City of New York,
17 shall submit a report to the Committees on Appropriations
18 describing a strategy, including a timetable and steps cur-
19 rently being taken, to collect the parking fines and pen-
20 alties and unpaid property taxes and interest owed by na-
21 tions receiving foreign assistance under this Act.

22 (f) In this section:

23 (1) The term “appropriate congressional com-
24 mittees” means the Committee on Appropriations of

1 the Senate and the Committee on Appropriations of
2 the House of Representatives.

3 (2) The term “fully adjudicated” includes cir-
4 cumstances in which the person to whom the vehicle
5 is registered—

6 (A)(i) has not responded to the parking
7 violation summons; or

8 (ii) has not followed the appropriate adju-
9 dication procedure to challenge the summons;
10 and

11 (B) the period of time for payment of or
12 challenge to the summons has lapsed.

13 (3) The term “parking fines and penalties”
14 means parking fines and penalties—

15 (A) owed to—

16 (i) the District of Columbia; or

17 (ii) New York, New York; and

18 (B) incurred during the period April 1,
19 1997 through September 30, 2004.

20 (4) The term “unpaid property taxes” means the
21 amount of unpaid taxes and interest determined to
22 be owed by a foreign country on real property in the
23 District of Columbia or New York, New York in a
24 court order or judgment entered against such coun-

1 try by a court of the United States or any State or
2 subdivision thereof.

3 LIMITATION ON ASSISTANCE FOR THE PLO FOR THE
4 WEST BANK AND GAZA

5 SEC. 544. None of the funds appropriated by this Act
6 may be obligated for assistance for the Palestine Libera-
7 tion Organization for the West Bank and Gaza unless the
8 President has exercised the authority under section 604(a)
9 of the Middle East Peace Facilitation Act of 1995 (title
10 VI of Public Law 104–107) or any other legislation to sus-
11 pend or make inapplicable section 307 of the Foreign As-
12 sistance Act of 1961 and that suspension is still in effect:
13 *Provided*, That if the President fails to make the certifi-
14 cation under section 604(b)(2) of the Middle East Peace
15 Facilitation Act of 1995 or to suspend the prohibition
16 under other legislation, funds appropriated by this Act
17 may not be obligated for assistance for the Palestine Lib-
18 eration Organization for the West Bank and Gaza.

19 WAR CRIMES TRIBUNALS DRAWDOWN

20 SEC. 545. If the President determines that doing so
21 will contribute to a just resolution of charges regarding
22 genocide or other violations of international humanitarian
23 law, the President may direct a drawdown pursuant to sec-
24 tion 552(c) of the Foreign Assistance Act of 1961 of up
25 to \$30,000,000 of commodities and services for the United
26 Nations War Crimes Tribunal established with regard to

1 the former Yugoslavia by the United Nations Security
2 Council or such other tribunals or commissions as the
3 Council may establish or authorize to deal with such viola-
4 tions, without regard to the ceiling limitation contained
5 in paragraph (2) thereof: *Provided*, That the determina-
6 tion required under this section shall be in lieu of any de-
7 terminations otherwise required under section 552(c): *Pro-*
8 *vided further*, That the drawdown made under this section
9 for any tribunal shall not be construed as an endorsement
10 or precedent for the establishment of any standing or per-
11 manent international criminal tribunal or court: *Provided*
12 *further*, That funds made available for tribunals other
13 than Yugoslavia, Rwanda, or the Special Court for Sierra
14 Leone shall be made available subject to the regular notifi-
15 cation procedures of the Committees on Appropriations.

16 LANDMINES

17 SEC. 546. Notwithstanding any other provision of
18 law, demining equipment available to the United States
19 Agency for International Development and the Depart-
20 ment of State and used in support of the clearance of
21 landmines and unexploded ordnance for humanitarian
22 purposes may be disposed of on a grant basis in foreign
23 countries, subject to such terms and conditions as the
24 President may prescribe.

1 RESTRICTIONS CONCERNING THE PALESTINIAN
2 AUTHORITY

3 SEC. 547. None of the funds appropriated by this Act
4 may be obligated or expended to create in any part of Je-
5 rusalem a new office of any department or agency of the
6 United States Government for the purpose of conducting
7 official United States Government business with the Pal-
8 estinian Authority over Gaza and Jericho or any successor
9 Palestinian governing entity provided for in the Israel-
10 PLO Declaration of Principles: *Provided*, That this re-
11 striction shall not apply to the acquisition of additional
12 space for the existing Consulate General in Jerusalem:
13 *Provided further*, That meetings between officers and em-
14 ployees of the United States and officials of the Pales-
15 tinian Authority, or any successor Palestinian governing
16 entity provided for in the Israel-PLO Declaration of Prin-
17 ciples, for the purpose of conducting official United States
18 Government business with such authority should continue
19 to take place in locations other than Jerusalem. As has
20 been true in the past, officers and employees of the United
21 States Government may continue to meet in Jerusalem on
22 other subjects with Palestinians (including those who now
23 occupy positions in the Palestinian Authority), have social
24 contacts, and have incidental discussions.

1 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

2 SEC. 548. None of the funds appropriated or other-
3 wise made available by this Act under the heading "Inter-
4 national Military Education and Training" or "Foreign
5 Military Financing Program" for Informational Program
6 activities or under the headings "Child Survival and
7 Health Programs Fund", "Development Assistance", and
8 "Economic Support Fund" may be obligated or expended
9 to pay for—

10 (1) alcoholic beverages; or

11 (2) entertainment expenses for activities that
12 are substantially of a recreational character, includ-
13 ing but not limited to entrance fees at sporting
14 events, theatrical and musical productions, and
15 amusement parks.

16 HAITI

17 SEC. 549. (a) Of the funds appropriated by this Act,
18 not less than the following amounts shall be made avail-
19 able for assistance for Haiti—

20 (1) \$20,000,000 from "Child Survival and
21 Health Programs Fund", ~~including \$2,000,000 for~~
22 ~~Zanmi Lasante;~~

23 (2) \$25,000,000 from "Development Assist-
24 ance", of which funds should be made available for *(poverty reduction)*
25 agriculture and environment programs, ~~including~~ *and basic education*

1 ~~\$2,000,000 for the Hillside Agriculture Production~~
 2 ~~program;~~ *and*

3 (3) ~~\$35,000,000~~ from "Economic Support
 4 Fund", ~~\$25,000,000 of which shall be made avail-~~

5 able for judicial reform programs, and \$10,000,000
 6 of which shall be made available to the Organization
 7 of American States for expenses related to the orga-
 8 nization and holding of free and fair elections in
 9 Haiti in 2005; and

10 (4) \$10,000,000 from "International Narcotics
 11 Control and Law Enforcement", which shall be
 12 made available for police training.

13 (b) The Government of Haiti shall be eligible to pur-
 14 chase defense articles and services under the Arms Export
 15 Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

16 LIMITATION ON ASSISTANCE TO THE PALESTINIAN

17 AUTHORITY

18 SEC. 550. (a) PROHIBITION OF FUNDS.—None of the
 19 funds appropriated by this Act to carry out the provisions
 20 of chapter 4 of part II of the Foreign Assistance Act of
 21 1961 may be obligated or expended with respect to pro-
 22 viding funds to the Palestinian Authority.

23 (b) WAIVER.—The prohibition included in subsection
 24 (a) shall not apply if the President certifies in writing to
 25 the Speaker of the House of Representatives and the
 26 President pro tempore of the Senate that waiving such

insert
114a

40,000,000

114 a

of which funds should be made available for judicial reform programs,
police training, and activities in support of national elections.

1 prohibition is important to the national security interests
2 of the United States.

3 (c) PERIOD OF APPLICATION OF WAIVER.—Any
4 waiver pursuant to subsection (b) shall be effective for no
5 more than a period of 6 months at a time and shall not
6 apply beyond 12 months after the enactment of this Act.

7 (d) REPORT.—Whenever the waiver authority pursu-
8 ant to subsection (b) is exercised, the President shall sub-
9 mit a report to the Committees on Appropriations detail-
10 ing the steps the Palestinian Authority has taken to arrest
11 terrorists, confiscate weapons and dismantle the terrorist
12 infrastructure. The report shall also include a description
13 of how funds will be spent and the accounting procedures
14 in place to ensure that they are properly disbursed.

15 LIMITATION ON ASSISTANCE TO SECURITY FORCES

16 SEC. 551. None of the funds made available by this
17 Act may be provided to any unit of the security forces
18 of a foreign country if the Secretary of State has credible
19 evidence that such unit has committed gross violations of
20 human rights, unless the Secretary determines and reports
21 to the Committees on Appropriations that the government
22 of such country is taking effective measures to bring the
23 responsible members of the security forces unit to justice:
24 *Provided*, That nothing in this section shall be construed
25 to withhold funds made available by this Act from any
26 unit of the security forces of a foreign country not credibly

1 alleged to be involved in gross violations of human rights:
2 *Provided further*, That in the event that funds are withheld
3 from any unit pursuant to this section, the Secretary of
4 State shall promptly inform the foreign government of the
5 basis for such action and shall, to the maximum extent
6 practicable, assist the foreign government in taking effec-
7 tive measures to bring the responsible members of the se-
8 curity forces to justice.

9 FOREIGN MILITARY TRAINING REPORT

10 SEC. 552. The annual foreign military training report
11 required by section 656 of the Foreign Assistance Act of
12 1961 shall be submitted by the Secretary of Defense and
13 the Secretary of State to the Committees on Appropria-
14 tions of the House of Representatives and the Senate by
15 the date specified in that section.

16 AUTHORIZATION REQUIREMENT

17 SEC. 553. Funds appropriated by this Act, except
18 funds appropriated under the headings "Trade and Devel-
19 opment Agency", "Millennium Challenge Corporation",
20 "Overseas Private Investment Corporation", and "Global
21 HIV/AIDS Initiative", may be obligated and expended
22 notwithstanding section 10 of Public Law 91-672 and sec-
23 tion 15 of the State Department Basic Authorities Act
24 of 1956.

1 CAMBODIA

2 SEC. 554. (a) The Secretary of the Treasury should
3 instruct the United States executive directors of the inter-
4 national financial institutions to use the voice and vote
5 of the United States to oppose loans to the Central Gov-
6 ernment of Cambodia, except loans to meet basic human
7 needs.

8 (b)(1) None of the funds appropriated by this Act
9 may be made available for assistance for the Central Gov-
10 ernment of Cambodia.

11 (2) Paragraph (1) shall not apply to assistance for
12 basic education, reproductive and maternal and child
13 health, cultural and historic preservation, programs for
14 the prevention, treatment, and control of, and research on,
15 HIV/AIDS, tuberculosis, malaria, polio and other infec-
16 tious diseases, development and implementation of legisla-
17 tion and implementation of procedures on inter-country
18 adoptions consistent with international standards, rule of
19 law programs, counternarcotics programs, programs to
20 combat human trafficking that are provided through non-
21 governmental organizations, and for the Ministry of
22 Women and Veterans Affairs to combat human traf-
23 ficking.

24 (c) Notwithstanding subsection (b), of the funds ap-
25 propriated by this Act under the heading "Economic Sup-

1 port Fund", up to \$4,000,000 may be made available for
2 activities to support democracy, including assistance for
3 democratic political parties.

4 (d) Funds appropriated by this Act to carry out pro-
5 visions of section 541 of the Foreign Assistance Act of
6 1961 may be made available notwithstanding subsection
7 (b) only if at least 15 days prior to the obligation of such
8 funds, the Secretary of State provides to the Committees
9 on Appropriations a list of those individuals who have been
10 credibly alleged to have ordered or carried out
11 extrajudicial and political killings that occurred during the
12 March 1997 grenade attack against the Khmer Nation
13 Party.

14 (e) None of the funds appropriated or otherwise made
15 available by this Act may be used to provide assistance
16 to any tribunal established by the Government of Cam-
17 bodia unless the Secretary of State determines and reports
18 to the Committees on Appropriations that: (1) Cambodia's
19 judiciary is competent, independent, free from widespread
20 corruption, and its decisions are free from interference by
21 the executive branch; and (2) the proposed tribunal is ca-
22 pable of delivering justice, that meets internationally rec-
23 ognized standards, for crimes against humanity and geno-
24 cide in an impartial and credible manner.

1 PALESTINIAN STATEHOOD

2 SEC. 555. (a) LIMITATION ON ASSISTANCE.—None
3 of the funds appropriated by this Act may be provided
4 to support a Palestinian state unless the Secretary of
5 State determines and certifies to the appropriate congres-
6 sional committees that—

7 (1) a new leadership of a Palestinian governing
8 entity has been democratically elected through cred-
9 ible and competitive elections;

10 (2) the elected governing entity of a new Pales-
11 tinian state—

12 (A) has demonstrated a firm commitment
13 to peaceful co-existence with the State of Israel;

14 (B) is taking appropriate measures to
15 counter terrorism and terrorist financing in the
16 West Bank and Gaza, including the dismantling
17 of terrorist infrastructures;

18 (C) is establishing a new Palestinian secu-
19 rity entity that is cooperative with appropriate
20 Israeli and other appropriate security organiza-
21 tions; and

22 (3) the Palestinian Authority (or the governing
23 body of a new Palestinian state) is working with
24 other countries in the region to vigorously pursue ef-
25 forts to establish a just, lasting, and comprehensive

1 peace in the Middle East that will enable Israel and
2 an independent Palestinian state to exist within the
3 context of full and normal relationships, which
4 should include—

5 (A) termination of all claims or states of
6 belligerency;

7 (B) respect for and acknowledgement of
8 the sovereignty, territorial integrity, and polit-
9 ical independence of every state in the area
10 through measures including the establishment
11 of demilitarized zones;

12 (C) their right to live in peace within se-
13 cure and recognized boundaries free from
14 threats or acts of force;

15 (D) freedom of navigation through inter-
16 national waterways in the area; and

17 (E) a framework for achieving a just set-
18 tlement of the refugee problem.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the newly elected governing entity should enact
21 a constitution assuring the rule of law, an independent ju-
22 diciary, and respect for human rights for its citizens, and
23 should enact other laws and regulations assuring trans-
24 parent and accountable governance.

1 (c) WAIVER.—The President may waive subsection
2 (a) if he determines that it is vital to the national security
3 interests of the United States to do so.

4 (d) EXEMPTION.—The restriction in subsection (a)
5 shall not apply to assistance intended to help reform the
6 Palestinian Authority and affiliated institutions, or a
7 newly elected governing entity, in order to help meet the
8 requirements of subsection (a), consistent with the provi-
9 sions of section 550 of this Act (“Limitation on Assistance
10 to the Palestinian Authority”).

11 COLOMBIA

12 SEC. 556. (a) DETERMINATION AND CERTIFICATION
13 REQUIRED.—Notwithstanding any other provision of law,
14 funds appropriated by this Act that are available for as-
15 sistance for the Colombian Armed Forces, may be made
16 available as follows:

17 (1) Up to 75 percent of such funds may be obli-
18 gated prior to a determination and certification by
19 the Secretary of State pursuant to paragraph (2).

20 (2) Up to 12.5 percent of such funds may be
21 obligated only after the Secretary of State certifies
22 and reports to the appropriate congressional com-
23 mittees that:

24 (A) The Commander General of the Co-
25 lombian Armed Forces is suspending from the
26 Armed Forces those members, of whatever rank

1 who, according to the Minister of Defense or
2 the Procuraduria General de la Nacion, have
3 been credibly alleged to have committed gross
4 violations of human rights, including extra-judi-
5 cial killings, or to have aided or abetted para-
6 military organizations.

7 (B) The Colombian Government is vigor-
8 ously investigating and prosecuting those mem-
9 bers of the Colombian Armed Forces, of what-
10 ever rank, who have been credibly alleged to
11 have committed gross violations of human
12 rights, including extra-judicial killings, or to
13 have aided or abetted paramilitary organiza-
14 tions, and is promptly punishing those members
15 of the Colombian Armed Forces found to have
16 committed such violations of human rights or to
17 have aided or abetted paramilitary organiza-
18 tions.

19 (C) The Colombian Armed Forces have
20 made substantial progress in cooperating with
21 civilian prosecutors and judicial authorities in
22 such cases (including providing requested infor-
23 mation, such as the identity of persons sus-
24 pended from the Armed Forces and the nature
25 and cause of the suspension, and access to wit-

1 nesses, relevant military documents, and other
2 requested information).

3 (D) The Colombian Armed Forces have
4 made substantial progress in severing links (in-
5 cluding denying access to military intelligence,
6 vehicles, and other equipment or supplies, and
7 ceasing other forms of active or tacit coopera-
8 tion) at the command, battalion, and brigade
9 levels, with paramilitary organizations, espe-
10 cially in regions where these organizations have
11 a significant presence.

12 (E) The Colombian Government is disman-
13 tling paramilitary leadership and financial net-
14 works by arresting commanders and financial
15 backers, especially in regions where these net-
16 works have a significant presence.

17 (3) The balance of such funds may be obligated
18 after July 31, 2005, if the Secretary of State cer-
19 tifies and reports to the appropriate congressional
20 committees, after such date, that the Colombian
21 Armed Forces are continuing to meet the conditions
22 contained in paragraph (2) and are conducting vig-
23 orous operations to restore government authority
24 and respect for human rights in areas under the ef-

1 fective control of paramilitary and guerrilla organi-
2 zations.

3 (b) CONGRESSIONAL NOTIFICATION.—Funds made
4 available by this Act for the Colombian Armed Forces
5 shall be subject to the regular notification procedures of
6 the Committees on Appropriations.

7 (c) CONSULTATIVE PROCESS.—Not later than 60
8 days after the date of enactment of this Act, and every
9 90 days thereafter until September 30, 2006, the Sec-
10 retary of State shall consult with internationally recog-
11 nized human rights organizations regarding progress in
12 meeting the conditions contained in that subsection.

13 (d) DEFINITIONS.—In this section:

14 (1) AIDED OR ABETTED.—The term “aided or
15 abetted” means to provide any support to para-
16 military groups, including taking actions which
17 allow, facilitate, or otherwise foster the activities of
18 such groups.

19 (2) PARAMILITARY GROUPS.—The term “para-
20 military groups” means illegal self-defense groups
21 and illegal security cooperatives.

22 ILLEGAL ARMED GROUPS

23 SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF
24 COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to sub-
25 section (b), the Secretary of State shall not issue a visa

1 to any alien who the Secretary determines, based on cred-
2 ible evidence—

3 (1) has willfully provided any support to the
4 Revolutionary Armed Forces of Colombia (FARC),
5 the National Liberation Army (ELN), or the United
6 Self-Defense Forces of Colombia (AUC), including
7 taking actions or failing to take actions which allow,
8 facilitate, or otherwise foster the activities of such
9 groups; or

10 (2) has committed, ordered, incited, assisted, or
11 otherwise participated in the commission of gross
12 violations of human rights, including extra-judicial
13 killings, in Colombia.

14 (b) WAIVER.—Subsection (a) shall not apply if the
15 Secretary of State determines and certifies to the appro-
16 priate congressional committees, on a case-by-case basis,
17 that the issuance of a visa to the alien is necessary to
18 support the peace process in Colombia or for urgent hu-
19 manitarian reasons.

20 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN

21 BROADCASTING CORPORATION

22 SEC. 558. None of the funds appropriated or other-
23 wise made available by this Act may be used to provide
24 equipment, technical support, consulting services, or any
25 other form of assistance to the Palestinian Broadcasting
26 Corporation.

1 WEST BANK AND GAZA PROGRAM

2 SEC. 559. (a) OVERSIGHT.—For fiscal year 2005, 30
3 days prior to the initial obligation of funds for the bilateral
4 West Bank and Gaza Program, the Secretary of State
5 shall certify to the appropriate committees of Congress
6 that procedures have been established to assure the Comp-
7 troller General of the United States will have access to
8 appropriate United States financial information in order
9 to review the uses of United States assistance for the Pro-
10 gram funded under the heading “Economic Support
11 Fund” for the West Bank and Gaza.

12 (b) VETTING.—Prior to the obligation of funds ap-
13 propriated by this Act under the heading “Economic Sup-
14 port Fund” for assistance for the West Bank and Gaza,
15 the Secretary of State shall take all appropriate steps to
16 ensure that such assistance is not provided to or through
17 any individual, private or government entity, or edu-
18 cational institution that the Secretary knows or has reason
19 to believe advocates, plans, sponsors, engages in, or has
20 engaged in, terrorist activity. The Secretary of State shall,
21 as appropriate, establish procedures specifying the steps
22 to be taken in carrying out this subsection and shall termi-
23 nate assistance to any individual, entity, or educational in-
24 stitution which he has determined to be involved in or ad-
25 vocating terrorist activity.

1 (c) PROHIBITION.—None of the funds appropriated
2 by this Act for assistance under the West Bank and Gaza
3 program may be made available for the purpose of recog-
4 nizing or otherwise honoring individuals who commit, or
5 have committed, acts of terrorism.

6 (d) AUDITS.—

7 (1) The Administrator of the United States
8 Agency for International Development shall ensure
9 that Federal or non-Federal audits of all contractors
10 and grantees, and significant subcontractors and
11 subgrantees, under the West Bank and Gaza Pro-
12 gram, are conducted at least on an annual basis to
13 ensure, among other things, compliance with this
14 section.

15 (2) Of the funds appropriated by this Act under
16 the heading “Economic Support Fund” that are
17 made available for assistance for the West Bank and
18 Gaza, up to \$1,000,000 may be used by the Office
19 of the Inspector General of the United States Agen-
20 cy for International Development for audits, inspec-
21 tions, and other activities in furtherance of the re-
22 quirements of this subsection. Such funds are in ad-
23 dition to funds otherwise available for such pur-
24 poses.

1 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

2 ~~SEC. 560. (a) LIMITATIONS ON AMOUNT OF CON-~~
3 ~~TRIBUTION.—Of the amounts made available under~~
4 ~~“International Organizations and Programs” and “Child~~
5 ~~Survival and Health Programs Fund” for fiscal year~~
6 ~~2005, \$34,000,000 shall be made available for the United~~
7 ~~Nations Population Fund (hereafter in this section re-~~
8 ~~ferred to as the “UNFPA”): *Provided*, That of this~~
9 ~~amount, not less than \$25,000,000 shall be derived from~~
10 ~~funds appropriated under the heading “International Or-~~
11 ~~ganizations and Programs”.~~

12 (b) REPROGRAMMING OF FUNDS.—Of the funds ap-
13 propriated in Public Law 108-199 that were available for
14 the UNFPA, \$25,000,000 shall be made available for the
15 family planning, maternal, and reproductive health activi-
16 ties of the United States Agency for International Devel-
17 opment in Albania, Azerbaijan, the Democratic Republic
18 of the Congo, Ethiopia, Georgia, Haiti, Kazakhstan,
19 Kenya, Nigeria, Romania, Russia, Rwanda, Tanzania,
20 Uganda, and the Ukraine: *Provided*, That such programs
21 and activities shall be deemed to have been justified to
22 Congress.

23 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—
24 None of the funds made available under “International
25 Organizations and Programs” may be made available for

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SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.- Of the amounts made available under "International Organizations and Programs" and "Child Survival and Health Programs Fund" for fiscal year 2005, \$34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the "UNFPA"): Provided, That of this amount, not less than \$25,000,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) AVAILABILITY OF FUNDS.- Funds appropriated under the heading "International Organizations and Programs" in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to "Child Survival and Health Programs Fund" and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) REPROGRAMMING OF FUNDS.- Of the funds appropriated in Public Law 108-199 that were available for the UNFPA, \$12,500,000 shall be made available for anti-trafficking programs: Provided, That of the funds appropriated in Public Law 108-199 that were available for the UNFPA, \$12,500,000 shall be made available for the family planning, maternal, and

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reproductive health activities of the United States Agency for International Development in Albania, Azerbaijan, the Democratic Republic of the Congo, Ethiopia, Georgia, Haiti, Kazakhstan, Kenya, Nigeria, Romania, Russia, Rwanda, Tanzania, Uganda, and the Ukraine: Provided further, That such programs and activities shall be deemed to have been justified to Congress.

(d) PROHIBITION ON USE OF FUNDS IN CHINA.- None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(e) CONDITIONS ON AVAILABILITY OF FUNDS.- Amounts made available under "International Organizations and Programs" for fiscal year 2005 for the UNFPA may not be made available to UNFPA unless--

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

1 the UNFPA for a country program in the People's Repub-
2 lic of China.

3 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—
4 Amounts made available under “International Organiza-
5 tions and Programs” for fiscal year 2005 for the UNFPA
6 may not be made available to UNFPA unless—

7 (1) the UNFPA maintains amounts made avail-
8 able to the UNFPA under this section in an account
9 separate from other accounts of the UNFPA;

10 (2) the UNFPA does not commingle amounts
11 made available to the UNFPA under this section
12 with other sums; and

13 (3) the UNFPA does not fund abortions.

14 (e) AVAILABILITY AND USE OF FUNDS.—Funds appro-
15 priated under the heading “International Organizations
16 and Programs” that are not made available for UNFPA
17 because of the operation of any provision of law shall re-
18 main available until September 30, 2006: *Provided*, That
19 funds made available pursuant to this section may not be
20 used for any other purpose, notwithstanding the authority
21 contained in sections 451, 610 and 614 of the Foreign
22 Assistance Act of 1961, or any other provision of law un-
23 less specifically authorized in subsequent legislation.

24 CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

25 SEC. 560. (a) LIMITATIONS ON AMOUNT OF CON-
26 TRIBUTION.—Of the amounts made available under

1 “International Organizations and Programs”

2 \$25,000,000 for fiscal year 2005 shall be available for the
3 United Nations Population Fund (hereafter in this section
4 referred to as the “UNFPA”).

5 (b) PROHIBITION ON USE OF FUNDS IN CHINA.—

6 None of the funds made available under “International
7 Organizations and Programs” may be made available for
8 the UNFPA for a country program in the People’s Repub-
9 lic of China.

10 (c) CONDITIONS ON AVAILABILITY OF FUNDS.—

11 Amounts made available under “International Organiza-
12 tions and Programs” for fiscal year 2005 for the UNFPA
13 may not be made available to UNFPA unless—

14 (1) the UNFPA maintains amounts made avail-
15 able to the UNFPA under this section in an account
16 separate from other accounts of the UNFPA;

17 (2) the UNFPA does not commingle amounts
18 made available to the UNFPA under this section
19 with other sums; and

20 (3) the UNFPA does not fund abortions.

21 (e) AVAILABILITY AND USE OF FUNDS.—Funds ap-
22 propriated under the heading “International Organiza-
23 tions and Programs” that are not made available for
24 UNFPA because of the operation of any provision of law
25 shall remain available until September 30, 2006: *Provided,*

1 ~~That funds made available pursuant to this section may~~
2 ~~not be used for any other purpose, notwithstanding the~~
3 ~~authority contained in sections 451, 610 and 614 of the~~
4 ~~Foreign Assistance Act of 1961, or any other provision~~
5 ~~of law unless specifically authorized in subsequent legisla-~~
6 ~~tion.~~

7 WAR CRIMINALS

8 SEC. 561. (a)(1) None of the funds appropriated or
9 otherwise made available pursuant to this Act may be
10 made available for assistance, and the Secretary of the
11 Treasury shall instruct the United States executive direc-
12 tors to the international financial institutions to vote
13 against any new project involving the extension by such
14 institutions of any financial or technical assistance, to any
15 country, entity, or municipality whose competent authori-
16 ties have failed, as determined by the Secretary of State,
17 to take necessary and significant steps to implement its
18 international legal obligations to apprehend and transfer
19 to the International Criminal Tribunal for the former
20 Yugoslavia (the "Tribunal") all persons in their territory
21 who have been indicted by the Tribunal and to otherwise
22 cooperate with the Tribunal.

23 (2) The provisions of this subsection shall not apply
24 to humanitarian assistance or assistance for democratiza-
25 tion.

1 (b) The provisions of subsection (a) shall apply unless
2 the Secretary of State determines and reports to the ap-
3 propriate congressional committees that the competent au-
4 thorities of such country, entity, or municipality are—

5 (1) cooperating with the Tribunal, including ac-
6 cess for investigators to archives and witnesses, the
7 provision of documents, and the surrender and
8 transfer of indictees or assistance in their apprehen-
9 sion; and

10 (2) are acting consistently with the Dayton Ac-
11 cords.

12 (c) Not less than 10 days before any vote in an inter-
13 national financial institution regarding the extension of
14 any new project involving financial or technical assistance
15 or grants to any country or entity described in subsection
16 (a), the Secretary of the Treasury, in consultation with
17 the Secretary of State, shall provide to the Committees
18 on Appropriations a written justification for the proposed
19 assistance, including an explanation of the United States
20 position regarding any such vote, as well as a description
21 of the location of the proposed assistance by municipality,
22 its purpose, and its intended beneficiaries.

23 (d) In carrying out this section, the Secretary of
24 State, the Administrator of the United States Agency for
25 International Development, and the Secretary of the

1 Treasury shall consult with representatives of human
2 rights organizations and all government agencies with rel-
3 evant information to help prevent indicted war criminals
4 from benefiting from any financial or technical assistance
5 or grants provided to any country or entity described in
6 subsection (a).

7 (e) The Secretary of State may waive the application
8 of subsection (a) with respect to projects within a country,
9 entity, or municipality upon a written determination to the
10 Committees on Appropriations that such assistance di-
11 rectly supports the implementation of the Dayton Accords.

12 (f) DEFINITIONS.—As used in this section—

13 (1) COUNTRY.—The term “country” means
14 Bosnia and Herzegovina, Croatia and Serbia.

15 (2) ENTITY.—The term “entity” refers to the
16 Federation of Bosnia and Herzegovina, Kosovo,
17 Montenegro and the Republika Srpska.

18 (3) MUNICIPALITY.—The term “municipality”
19 means a city, town or other subdivision within a
20 country or entity as defined herein.

21 (4) DAYTON ACCORDS.—The term “Dayton Ac-
22 cords” means the General Framework Agreement
23 for Peace in Bosnia and Herzegovina, together with
24 annexes relating thereto, done at Dayton, November
25 10 through 16, 1995.

1 USER FEES

2 SEC. 562. The Secretary of the Treasury shall in-
3 struct the United States Executive Director at each inter-
4 national financial institution (as defined in section
5 1701(c)(2) of the International Financial Institutions Act)
6 and the International Monetary Fund to oppose any loan,
7 grant, strategy or policy of these institutions that would
8 require user fees or service charges on poor people for pri-
9 mary education or primary healthcare, including preven-
10 tion and treatment efforts for HIV/AIDS, malaria, tuber-
11 culosis, and infant, child, and maternal well-being, in con-
12 nection with the institutions' financing programs.

13 FUNDING FOR SERBIA

14 SEC. 563. (a) Funds appropriated by this Act may
15 be made available for assistance for the central Govern-
16 ment of Serbia after May 31, 2005, if the President has
17 made the determination and certification contained in sub-
18 section (c).

19 (b) After May 31, 2005, the Secretary of the Treas-
20 ury should instruct the United States executive directors
21 to the international financial institutions to support loans
22 and assistance to the Government of Serbia and Monte-
23 negro subject to the conditions in subsection (c): *Provided,*
24 That section 576 of the Foreign Operations, Export Fi-
25 nancing, and Related Programs Appropriations Act, 1997,
26 as amended, shall not apply to the provision of loans and

1 assistance to the Government of Serbia and Montenegro
2 through international financial institutions.

3 (c) The determination and certification referred to in
4 subsection (a) is a determination by the President and a
5 certification to the Committees on Appropriations that the
6 Government of Serbia and Montenegro is—

7 (1) cooperating with the International Criminal
8 Tribunal for the former Yugoslavia including access
9 for investigators, the provision of documents, and
10 the surrender and transfer of indictees or assistance
11 in their apprehension, including making all prac-
12 ticable efforts to apprehend and transfer Ratko
13 Mladic;

14 (2) taking steps that are consistent with the
15 Dayton Accords to end Serbian financial, political,
16 security and other support which has served to
17 maintain separate Republika Srpska institutions;
18 and

19 (3) taking steps to implement policies which re-
20 flect a respect for minority rights and the rule of
21 law.

22 (d) This section shall not apply to Montenegro,
23 Kosovo, humanitarian assistance or assistance to promote
24 democracy.

1 COMMUNITY-BASED POLICE ASSISTANCE

2 SEC. 564. (a) AUTHORITY.—Funds made available
3 by this Act to carry out the provisions of chapter 1 of
4 part I and chapter 4 of part II of the Foreign Assistance
5 Act of 1961, may be used, notwithstanding section 660
6 of that Act, to enhance the effectiveness and account-
7 ability of civilian police authority through training and
8 technical assistance in human rights, the rule of law, stra-
9 tegic planning, and through assistance to foster civilian
10 police roles that support democratic governance including
11 assistance for programs to prevent conflict, respond to dis-
12 asters, address gender-based violence, and foster improved
13 police relations with the communities they serve.

14 (b) NOTIFICATION.—Assistance provided under sub-
15 section (a) shall be subject to prior consultation with, and
16 the regular notification procedures of, the Committees on
17 Appropriations.

18 SPECIAL DEBT RELIEF FOR THE POOREST

19 SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The
20 President may reduce amounts owed to the United States
21 (or any agency of the United States) by an eligible country
22 as a result of—

23 (1) guarantees issued under sections 221 and
24 222 of the Foreign Assistance Act of 1961;

25 (2) credits extended or guarantees issued under
26 the Arms Export Control Act; or

1 (3) any obligation or portion of such obligation,
2 to pay for purchases of United States agricultural
3 commodities guaranteed by the Commodity Credit
4 Corporation under export credit guarantee programs
5 authorized pursuant to section 5(f) of the Com-
6 modity Credit Corporation Charter Act of June 29,
7 1948, as amended, section 4(b) of the Food for
8 Peace Act of 1966, as amended (Public Law 89-
9 808), or section 202 of the Agricultural Trade Act
10 of 1978, as amended (Public Law 95-501).

11 (b) LIMITATIONS.—

12 (1) The authority provided by subsection (a)
13 may be exercised only to implement multilateral offi-
14 cial debt relief and referendum agreements, com-
15 monly referred to as “Paris Club Agreed Minutes”.

16 (2) The authority provided by subsection (a)
17 may be exercised only in such amounts or to such
18 extent as is provided in advance by appropriations
19 Acts.

20 (3) The authority provided by subsection (a)
21 may be exercised only with respect to countries with
22 heavy debt burdens that are eligible to borrow from
23 the International Development Association, but not
24 from the International Bank for Reconstruction and

1 Development, commonly referred to as “IDA-only”
2 countries.

3 (c) CONDITIONS.—The authority provided by sub-
4 section (a) may be exercised only with respect to a country
5 whose government—

6 (1) does not have an excessive level of military
7 expenditures;

8 (2) has not repeatedly provided support for acts
9 of international terrorism;

10 (3) is not failing to cooperate on international
11 narcotics control matters;

12 (4) (including its military or other security
13 forces) does not engage in a consistent pattern of
14 gross violations of internationally recognized human
15 rights; and

16 (5) is not ineligible for assistance because of the
17 application of section 527 of the Foreign Relations
18 Authorization Act, Fiscal Years 1994 and 1995.

19 (d) AVAILABILITY OF FUNDS.—The authority pro-
20 vided by subsection (a) may be used only with regard to
21 the funds appropriated by this Act under the heading
22 “Debt Restructuring”.

23 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
24 duction of debt pursuant to subsection (a) shall not be
25 considered assistance for the purposes of any provision of

1 law limiting assistance to a country. The authority pro-
2 vided by subsection (a) may be exercised notwithstanding
3 section 620(r) of the Foreign Assistance Act of 1961 or
4 section 321 of the International Development and Food
5 Assistance Act of 1975.

6 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

7 SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUC-
8 TION, OR CANCELLATION.—

9 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
10 CERTAIN LOANS.—Notwithstanding any other provi-
11 sion of law, the President may, in accordance with
12 this section, sell to any eligible purchaser any
13 concessional loan or portion thereof made before
14 January 1, 1995, pursuant to the Foreign Assist-
15 ance Act of 1961, to the government of any eligible
16 country as defined in section 702(6) of that Act or
17 on receipt of payment from an eligible purchaser, re-
18 duce or cancel such loan or portion thereof, only for
19 the purpose of facilitating—

20 (A) debt-for-equity swaps, debt-for-develop-
21 ment swaps, or debt-for-nature swaps; or

22 (B) a debt buyback by an eligible country
23 of its own qualified debt, only if the eligible
24 country uses an additional amount of the local
25 currency of the eligible country, equal to not
26 less than 40 percent of the price paid for such

1 debt by such eligible country, or the difference
2 between the price paid for such debt and the
3 face value of such debt, to support activities
4 that link conservation and sustainable use of
5 natural resources with local community develop-
6 ment, and child survival and other child devel-
7 opment, in a manner consistent with sections
8 707 through 710 of the Foreign Assistance Act
9 of 1961, if the sale, reduction, or cancellation
10 would not contravene any term or condition of
11 any prior agreement relating to such loan.

12 (2) TERMS AND CONDITIONS.—Notwithstanding
13 any other provision of law, the President shall, in ac-
14 cordance with this section, establish the terms and
15 conditions under which loans may be sold, reduced,
16 or canceled pursuant to this section.

17 (3) ADMINISTRATION.—The Facility, as defined
18 in section 702(8) of the Foreign Assistance Act of
19 1961, shall notify the administrator of the agency
20 primarily responsible for administering part I of the
21 Foreign Assistance Act of 1961 of purchasers that
22 the President has determined to be eligible, and
23 shall direct such agency to carry out the sale, reduc-
24 tion, or cancellation of a loan pursuant to this sec-

1 tion. Such agency shall make adjustment in its ac-
2 counts to reflect the sale, reduction, or cancellation.

3 (4) LIMITATION.—The authorities of this sub-
4 section shall be available only to the extent that ap-
5 propriations for the cost of the modification, as de-
6 fined in section 502 of the Congressional Budget Act
7 of 1974, are made in advance.

8 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
9 sale, reduction, or cancellation of any loan sold, reduced,
10 or canceled pursuant to this section shall be deposited in
11 the United States Government account or accounts estab-
12 lished for the repayment of such loan.

13 (c) ELIGIBLE PURCHASERS.—A loan may be sold
14 pursuant to subsection (a)(1)(A) only to a purchaser who
15 presents plans satisfactory to the President for using the
16 loan for the purpose of engaging in debt-for-equity swaps,
17 debt-for-development swaps, or debt-for-nature swaps.

18 (d) DEBTOR CONSULTATIONS.—Before the sale to
19 any eligible purchaser, or any reduction or cancellation
20 pursuant to this section, of any loan made to an eligible
21 country, the President should consult with the country
22 concerning the amount of loans to be sold, reduced, or
23 canceled and their uses for debt-for-equity swaps, debt-
24 for-development swaps, or debt-for-nature swaps.

1 (e) AVAILABILITY OF FUNDS.—The authority pro-
2 vided by subsection (a) may be used only with regard to
3 funds appropriated by this Act under the heading “Debt
4 Restructuring”.

5 BASIC EDUCATION

6 SEC. 567. Of the funds appropriated by title II of
7 this Act, not less than \$400,000,000 shall be made avail-
8 able for basic education.

9 RECONCILIATION PROGRAMS

10 SEC. 568. Of the funds appropriated under the head-
11 ing “Economic Support Fund”, not less than \$12,000,000
12 shall be made available to support reconciliation programs
13 and activities which bring together individuals of different
14 ethnic, religious, and political backgrounds from areas of
15 civil conflict and war.

16 SUDAN

17 SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the
18 funds appropriated by title II of this Act, not less than
19 \$311,000,000 should be made available for assistance for
20 Sudan.

21 (b) LIMITATION ON ASSISTANCE.—Subject to section
22 (c):

23 (1) Notwithstanding section 501(a) of the
24 International Malaria Control Act of 2000 (Public
25 Law 106–570) or any other provision of law, none
26 of the funds appropriated by this Act may be made

1 available for assistance for the Government of
2 Sudan.

3 (2) None of the funds appropriated by this Act
4 may be made available for the cost, as defined in
5 section 502, of the Congressional Budget Act of
6 1974, of modifying loans and loan guarantees held
7 by the Government of Sudan, including the cost of
8 selling, reducing, or canceling amounts owed to the
9 United States, and modifying concessional loans,
10 guarantees, and credit agreements.

11 (c) Subsection (b) shall not apply if the Secretary of
12 State determines and certifies to the Committees on Ap-
13 propriations that—

14 (1) the Government of Sudan has taken signifi-
15 cant steps to disarm and disband government-sup-
16 ported militia groups in the Darfur region;

17 (2) the Government of Sudan and all govern-
18 ment-supported militia groups are honoring their
19 commitments made in the cease-fire agreement of
20 April 8, 2004; and

21 (3) the Government of Sudan is allowing
22 unimpeded access to Darfur to humanitarian aid or-
23 ganizations, the human rights investigation and hu-
24 manitarian teams of the United Nations, including
25 protection officers, and an international monitoring

1 team that is based in Darfur and that has the sup-
2 port of the United States.


3 (d) EXCEPTIONS.—The provisions of subsection (b)
4 shall not apply to—

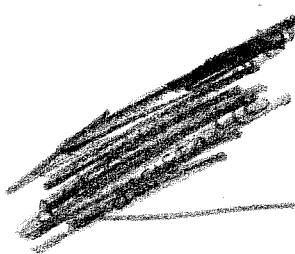
5 (1) humanitarian assistance; and

6 (2) assistance for Darfur and for areas outside
7 the control of the Government of Sudan.

8 (e) NOTIFICATION.—Not more than \$45,000,000 of
9 the funds appropriated by this Act under the headings
10 “International Disaster and Famine Assistance” and
11 “Transition Initiatives” may be made available for assist-
12 ance for Sudan outside of the Darfur region unless written
13 notice has been provided to the Committees on Appropria-
14 tions not less than 5 days prior to the obligation of such
15 funds.

16 (f) DEFINITIONS.—For the purposes of this Act and
17 section 501 of Public Law 106–570, the terms “Govern-
18 ment of Sudan”, “areas outside of control of the Govern-
19 ment of Sudan”, and “area in Sudan outside of control
20 of the Government of Sudan” shall have the same meaning
21 and application as was the case immediately prior to June
22 5, 2004, and, with regard to assistance in support of a
23 viable peace agreement, Southern Kordofan/Nuba Moun-
24 tains State, Blue Nile State and Abyei.

1 (g) REQUIREMENT TO TRANSFER FUNDS.—The
2 transfer authority contained in Public Law 108–106, as
3 amended, under the heading “International Disaster and
4 Famine Assistance” shall be fully exercised not later than
5 30 days following the date of enactment of this Act: *Pro-*
6 *vided*, That not later than 5 days prior to the obligation 
7 of funds transferred pursuant to the authority contained
8 under such heading, the Secretary of State shall report
9 to the Committees on Appropriations of the House of Rep-
10 resentatives and the Senate on the proposed uses of such
11 funds: *Provided further*, That funds transferred pursuant
12 to the authority contained under such heading shall be
13 used to support peace and humanitarian intervention oper-
14 ations for Sudan and shall not be subject to the first pro-
15 viso under that heading.



16 (h) TECHNICAL CHANGE.—Section 12 of the Inter-
17 national Organizations Immunities Act (22 U.S.C. 288f-
18 2) is amended by striking “Organization of African Unity”
19 and inserting in lieu thereof “African Union”.

20 TRADE CAPACITY BUILDING

21 SEC. 570. Of the funds appropriated by this Act,
22 under the headings “Trade and Development Agency”,
23 “Development Assistance”, “Transition Initiatives”,
24 “Economic Support Fund”, “International Affairs Tech-
25 nical Assistance”, and “International Organizations and
26 Programs”, not less than \$507,000,000 should be made

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(g) Appropriation. -- In addition to amounts appropriated elsewhere in this Act, \$75,000,000 is hereby appropriated for "Peacekeeping Operations" to support peace and humanitarian intervention operations for Sudan, and \$18,000,000 is hereby appropriated for "International Disaster and Famine Assistance" for humanitarian assistance and related activities in Sudan: Provided, That the entire amount appropriated in this subsection is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: Provided further, That the Secretary of State shall consult with the Committees on Appropriations regarding the proposed uses of these funds within 30 days of the date of enactment of this Act.

1 available for trade capacity building assistance: *Provided*,
2 That \$20,000,000 of the funds appropriated in this Act
3 under the heading "Economic Support Fund" shall be
4 made available for labor and environmental capacity build-
5 ing activities relating to the free trade agreement with the
6 countries of Central America and the Dominican Republic.

7 EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH
8 EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

9 SEC. 571. Notwithstanding section 516(e) of the For-
10 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during
11 fiscal year 2005, funds available to the Department of De-
12 fense may be expended for crating, packing, handling, and
13 transportation of excess defense articles transferred under
14 the authority of section 516 of such Act to Albania, Bul-
15 garia, Croatia, Estonia, Former Yugoslavian Republic of
16 Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Lat-
17 via, Lithuania, Moldova, Mongolia, Pakistan, Romania,
18 Slovakia, Tajikistan, Turkmenistan, Ukraine, and
19 Uzbekistan.

20 INDONESIA

21 SEC. 572. (a) Funds appropriated by this Act under
22 the heading "Foreign Military Financing Program" may
23 be made available for assistance for Indonesia, and li-
24 censes may be issued for the export of lethal defense arti-
25 cles for the Indonesian Armed Forces, only if the Sec-

1 retary of State certifies to the appropriate congressional
2 committees that—

3 (1) the Armed Forces are taking steps to
4 counter international terrorism, consistent with
5 democratic principles and the rule of law, and in co-
6 operation with countries in the region;

7 (2) the Indonesian Government is prosecuting
8 and punishing, in a manner proportional to the
9 crime, members of the Armed Forces, of whatever
10 rank, who have been credibly alleged to have com-
11 mitted gross violations of human rights or to have
12 aided or abetted militia groups;

13 (3) at the direction of the President of Indo-
14 nesia, the Armed Forces are cooperating with civil-
15 ian judicial authorities and with international efforts
16 to resolve cases of gross violations of human rights
17 in East Timor and elsewhere; and

18 (4) at the direction of the President of Indo-
19 nesia, the Armed Forces are implementing reforms
20 to increase the transparency and accountability of
21 their operations and financial management, includ-
22 ing making publicly available audits of receipts and
23 expenditures.

24 (b) Funds appropriated under the heading “Inter-
25 national Military Education and Training” may be made

1 available for assistance for Indonesia if the Secretary of
2 State determines and reports to the Committees on Appro-
3 priations that the Indonesian Government and Armed
4 Forces are cooperating with the Federal Bureau of Inves-
5 tigation's investigation into the August 31, 2002 murders
6 of two American citizens and one Indonesian citizen in
7 Timika, Indonesia: *Provided*, That this restriction shall
8 not apply to expanded international military education and
9 training, which may include English language training.

10 LIMITATION ON CONTRACTS

11 SEC. 573. None of the funds made available under
12 this Act may be used to fund any contract in contravention
13 of section 8(d)(6) of the Small Business Act (15 U.S.C.
14 637(d)(6)).

15 LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE
16 FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE

17 PARTIES TO THE INTERNATIONAL CRIMINAL COURT

18 SEC. 574. (a) None of the funds made available in
19 this Act in title II under the heading "Economic Support
20 Fund" may be used to provide assistance to the govern-
21 ment of a country that is a party to the International
22 Criminal Court and has not entered into an agreement
23 with the United States pursuant to Article 98 of the Rome
24 Statute preventing the International Criminal Court from
25 proceeding against United States personnel present in
26 such country.

1 (b) The President may, without prior notice to Con-
2 gress, waive the prohibition of subsection (a) with respect
3 to a North Atlantic Treaty Organization ("NATO") mem-
4 ber country, a major non-NATO ally (including Australia,
5 Egypt, Israel, Japan, Jordan, Argentina, the Republic of
6 Korea, and New Zealand), or Taiwan if he determines and
7 reports to the appropriate congressional committees that
8 it is important to the national security interests of the
9 United States to waive such prohibition.

10 (c) The President may, without prior notice to Con-
11 gress, waive the prohibition of subsection (a) with respect
12 to a particular country if he determines and reports to
13 the appropriate congressional committees that such coun-
14 try has entered into an agreement with the United States
15 pursuant to Article 98 of the Rome Statute preventing the
16 International Criminal Court from proceeding against
17 United States personnel present in such country.

18 PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI
19 ARABIA

20 SEC. 575. None of the funds appropriated or other-
21 wise made available pursuant to this Act shall be obligated
22 or expended to finance any assistance to Saudi Arabia:
23 *Provided*, That the President may waive the prohibition
24 of this section if he certifies to the Committees on Appro-
25 priations, 15 days prior to the obligation of funds for as-
26 sistance for Saudi Arabia, that Saudi Arabia is cooper-

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(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

1 ating with efforts to combat international terrorism and
2 that the proposed assistance will help facilitate that effort.

3 ENVIRONMENT PROGRAMS

4 SEC. 576. (a) FUNDING.—Of the funds appropriated
5 under the heading “Development Assistance”, not less
6 than \$165,500,000 shall be made available for programs
7 and activities which directly protect biodiversity, including
8 forests, in developing countries, of which not less than
9 \$8,000,000 should be made available to implement a re-
10 gional strategy for biodiversity conservation in the coun-
11 tries comprising the Amazon basin of South America, in-
12 cluding to improve the capacity of indigenous communities
13 and local law enforcement agencies to protect the biodiver-
14 sity of indigenous reserves, which amount shall be in addi-
15 tion to the amounts requested for biodiversity activities
16 in these countries in fiscal year 2005: *Provided*, That of
17 the funds appropriated by this Act, not less than
18 \$180,000,000 shall be made available to support policies
19 and programs in developing countries that directly (1)
20 promote a wide range of energy conservation, energy effi-
21 ciency and clean energy programs and activities, including
22 the transfer of clean and environmentally sustainable en-
23 ergy technologies; (2) measure, monitor, and reduce green-
24 house gas emissions; (3) increase carbon sequestration ac-
25 tivities; and (4) enhance climate change mitigation and
26 adaptation programs.

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(150a)

Provided further, That of the funds appropriated by this Act, not less than \$180,000,000 shall be made available to support clean energy and other climate change policies and programs in developing countries, of which \$100,000,000 should be made available to directly promote and deploy energy conservation, energy efficiency, and renewable and clean energy technologies, and of which the balance should be made available to directly (1) measure, monitor, and reduce greenhouse gas emissions; (2) increase carbon sequestration activities; and (3) enhance climate change mitigation and adaptation programs.

1 (b) CLIMATE CHANGE REPORT.—Not later than 45
2 days after the date on which the President's fiscal year
3 2006 budget request is submitted to Congress, the Presi-
4 dent shall submit a report to the Committees on Appro-
5 priations describing in detail the following—

6 (1) all Federal agency obligations and expendi-
7 tures, domestic and international, for climate change
8 programs and activities in fiscal year 2005, includ-
9 ing an accounting of expenditures by agency with
10 each agency identifying climate change activities and
11 associated costs by line item as presented in the
12 President's Budget Appendix; and

13 (2) all fiscal year 2004 obligations and esti-
14 mated expenditures, fiscal year 2005 estimated ex-
15 penditures and estimated obligations, and fiscal year
16 2006 requested funds by the United States Agency
17 for International Development, by country and cen-
18 tral program, for each of the following: (i) to pro-
19 mote the transfer and deployment of a wide range
20 of United States clean energy and energy efficiency
21 technologies; (ii) to assist in the measurement, moni-
22 toring, reporting, verification, and reduction of
23 greenhouse gas emissions; (iii) to promote carbon
24 capture and sequestration measures; (iv) to help
25 meet such countries' responsibilities under the

1 Framework Convention on Climate Change; and (v)
2 to develop assessments of the vulnerability to im-
3 pacts of climate change and mitigation and adapta-
4 tion response strategies.

5 (c) EXTRACTION OF NATURAL RESOURCES.—

6 (1) The Secretary of the Treasury shall inform
7 the managements of the international financial insti-
8 tutions and the public that it is the policy of the
9 United States that any assistance by such institu-
10 tions (including but not limited to any loan, credit,
11 grant, or guarantee) for the extraction and export of
12 oil, gas, coal, timber, or other natural resource
13 should not be provided unless the government of the
14 country has in place or is taking the necessary steps
15 to establish functioning systems for (1) accurately
16 accounting for revenues and expenditures in connec-
17 tion with the extraction and export of the type of
18 natural resource to be extracted or exported; (2) the
19 independent auditing of such accounts and the wide-
20 spread public dissemination of the audits; and (3)
21 verifying government receipts against company pay-
22 ments including widespread dissemination of such
23 payment information in a manner that does not cre-
24 ate competitive disadvantage or disclose proprietary
25 information.

1 (2) Not later than 180 days after the enact-
2 ment of this Act, the Secretary of the Treasury shall
3 submit a report to the Committees on Appropria-
4 tions describing, for each international financial in-
5 stitution, the amount and type of assistance pro-
6 vided, by country, for the extraction and export of
7 oil, gas, coal, timber, or other national resource
8 since September 30, 2004.

9 UZBEKISTAN

10 SEC. 577. Funds appropriated by this Act may be
11 made available for assistance for the central Government
12 of Uzbekistan only if the Secretary of State determines
13 and reports to the Committees on Appropriations that the
14 Government of Uzbekistan is making substantial and con-
15 tinuing progress in meeting its commitments under the
16 "Declaration on the Strategic Partnership and Coopera-
17 tion Framework Between the Republic of Uzbekistan and
18 the United States of America", including respect for
19 human rights, establishing a genuine multi-party system,
20 and ensuring free and fair elections, freedom of expres-
21 sion, and the independence of the media.

22 SEC. 578. ~~CENTRAL ASIA~~ (a) Funds appropriated by
23 this Act may be made available for assistance for the Gov-
24 ernment of Kazakhstan only if the Secretary of State de-
25 termines and reports to the Committees on Appropriations
26 that the Government of Kazakhstan has made significant

CENTRAL ASIA [SC]

1 improvements in the protection of human rights during
2 the preceding 6 month period.

3 (b) The Secretary of State may waive subsection (a)
4 if he determines and reports to the Committees on Appro-
5 priations that such a waiver is in the national security in-
6 terest of the United States.

7 (c) Not later than October 1, 2005, the Secretary of
8 State shall submit a report to the Committees on Appro-
9 priations and the Committee on Foreign Relations of the
10 Senate and the Committee on International Relations of
11 the House of Representatives describing the following:

12 (1) The defense articles, defense services, and
13 financial assistance provided by the United States to
14 the countries of Central Asia during the 6-month pe-
15 riod ending 30 days prior to submission of such re-
16 port.

17 (2) The use during such period of defense arti-
18 cles, defense services, and financial assistance pro-
19 vided by the United States by units of the armed
20 forces, border guards, or other security forces of
21 such countries.

22 (d) For purposes of this section, the term "countries
23 of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz
24 Republic, Tajikistan, and Turkmenistan.

DISABILITY RIGHTS

PROGRAMS

1
2 SEC. 579. (a) Of the funds appropriated by this Act
3 under the heading "Economic Support Fund", and in ad-
4 dition to funds made available pursuant to section
5 5026(c), not less than \$2,500,000 shall be made available
6 for programs and activities to address the needs and pro-
7 tect the rights of people with disabilities in developing
8 countries: *Provided*, That such funds shall be administered
9 by the United States Agency for International Develop-
10 ment ("USAID") and the Department of State, and shall
11 be available for grants to nongovernmental organizations
12 that work on behalf of people with disabilities in such
13 countries.

14 (b) The Secretary of State and the USAID Adminis-
15 trator shall designate within their respective agencies an
16 individual to serve as Disability "Advisor" or "Coordi-
17 nator", whose function it shall be to ensure that disability
18 rights are addressed, where appropriate, in United States
19 policies and programs.

20 (c) Funds made available under subsection (a) may
21 be made available for an international conference on the
22 needs of people with disabilities, including disability
23 rights, advocacy and access.

24 (d) The Secretary of State, the Secretary of the
25 Treasury, and the USAID Administrator shall seek to en-

1 sure that the needs of people with disabilities are ad-
2 dressed, where appropriate, in democracy, human rights,
3 and rule of law programs, projects and activities supported
4 by the Department of State, Department of the Treasury,
5 and USAID.

6 (e) The USAID Administrator shall seek to ensure
7 that programs, projects and activities administered by
8 USAID comply fully with USAID's "Policy Paper: Dis-
9 ability" issued on September 12, 1997: *Provided*, That not
10 later than 90 days after enactment of this Act, USAID
11 shall implement procedures to require that prospective
12 grantees seeking funding from USAID specify, when rel-
13 evant, how the proposed program, project or activity for
14 which funding is being requested will include protecting
15 the rights and addressing the needs of persons with dis-
16 abilities.

17 ZIMBABWE

18 SEC. 580. The Secretary of the Treasury shall in-
19 struct the United States executive director to each inter-
20 national financial institution to vote against any extension
21 by the respective institution of any loans to the Govern-
22 ment of Zimbabwe, except to meet basic human needs or
23 to promote democracy, unless the Secretary of State deter-
24 mines and certifies to the Committees on Appropriations
25 that the rule of law has been restored in Zimbabwe, in-

1 cluding respect for ownership and title to property, free-
2 dom of speech and association.

3 TIBET

4 SEC. 581. (a) The Secretary of the Treasury should
5 instruct the United States executive director to each inter-
6 national financial institution to use the voice and vote of
7 the United States to support projects in Tibet if such
8 projects do not provide incentives for the migration and
9 settlement of non-Tibetans into Tibet or facilitate the
10 transfer of ownership of Tibetan land and natural re-
11 sources to non-Tibetans; are based on a thorough needs-
12 assessment; foster self-sufficiency of the Tibetan people
13 and respect Tibetan culture and traditions; and are sub-
14 ject to effective monitoring.

15 (b) Notwithstanding any other provision of law, not
16 less than \$4,000,000 of the funds appropriated by this
17 Act under the heading "Economic Support Fund" should
18 be made available to nongovernmental organizations to
19 support activities which preserve cultural traditions and
20 promote sustainable development and environmental con-
21 servation in Tibetan communities in the Tibetan Autono-
22 mous Region and in other Tibetan communities in China,
23 and not less than \$250,000 should be made available to
24 the National Endowment for Democracy for human rights
25 and democracy programs relating to Tibet.

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1 NIGERIA

2 SEC. 582. The President shall submit a report to the
3 Committees on Appropriations describing the involvement
4 of the Nigerian Armed Forces in the incident in Benue
5 State, the measures that are being taken to bring such
6 individuals to justice, and whether any Nigerian Armed
7 Forces units involved with the incident in Benue State are
8 receiving United States assistance.

9 DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS
10 IN THE RUSSIAN FEDERATION

11 SEC. 583. None of the funds appropriated under this
12 Act may be made available for the Government of the Rus-
13 sian Federation, after 180 days from the date of the en-
14 actment of this Act, unless the President determines and
15 certifies in writing to the Committees on Appropriations
16 that the Government of the Russian Federation has imple-
17 mented no statute, executive order, regulation or similar
18 government action that would discriminate, or which has
19 as its principal effect discrimination, against religious
20 groups or religious communities in the Russian Federation
21 in violation of accepted international agreements on
22 human rights and religious freedoms to which the Russian
23 Federation is a party.

24 CENTRAL AMERICA

25 SEC. 584. (a) Of the funds appropriated by this Act
26 under the headings "Child Survival and Health Programs

1 Fund” and “Development Assistance”, not less than the
2 amount of funds initially allocated pursuant to section
3 653(a) of the Foreign Assistance Act of 1961 for fiscal
4 year 2004 should be made available for El Salvador, Gua-
5 temala, Nicaragua and Honduras.

6 (b) Not to exceed \$3,227,000 in prior year “Military
7 Assistance Program” funds that are available for Guate-
8 mala may be made available for non-lethal defense items
9 for Guatemala if the Secretary of State certifies to the
10 Committees on Appropriations and the Committee on For-
11 eign Relations of the Senate and the Committee on Inter-
12 national Relations of the House that—

13 (1) the role of the Guatemalan military has
14 been limited, in doctrine and in practice, to substan-
15 tially those activities in defense of Guatemala’s sov-
16 ereignty and territorial integrity that are permitted
17 by the 1996 Peace Accords, and the Government of
18 Guatemala is taking steps to pass a new governing
19 law of the Army (Ley Constitutiva del Ejército);

20 (2) the Guatemalan military is cooperating with
21 civilian judicial authorities, including providing full
22 cooperation on access to witnesses, documents and
23 classified intelligence files, in investigations and
24 prosecutions of military personnel who have been im-

1 plicated in human rights violations and other criminal activity;
2

3 (3) the Government of Guatemala is working
4 with the United Nations to resolve legal impediments to the establishment of the Commission for
5 the Investigation of Illegal Groups and Clandestine
6 Security Organizations (CICLACS), so that
7 CICLACS can effectively accomplish its mission of
8 investigating and bringing to justice illegal groups
9 and members of clandestine security organizations;
10

11 (4) the Government of Guatemala is continuing
12 its efforts to make the military budget process transparent and accessible to civilian authorities and to
13 the public, for both present and past expenditures;
14

15 (5) the Government of Guatemala is working to
16 facilitate the prompt establishment of an office in
17 Guatemala of the United Nations High Commissioner for Human Rights with the unimpeded authority to investigate and report on human rights in
18 Guatemala; and
19

20
21 (6) the Government of Guatemala is taking
22 steps to increase its efforts to combat narcotics trafficking and organized crime.
23

24 (c) Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370(a))
25

1 is amended by adding at the end the following new sub-
2 section:

3 “(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE
4 GOVERNMENT OF NICARAGUA.—

5 “(1) Any action of the types set forth in sub-
6 paragraphs (A), (B), and (C) of subsection (a)(1)
7 that was taken by the Government of Nicaragua
8 during the period beginning on January 1, 1956,
9 and ending on January 9, 2002, shall not be consid-
10 ered in implementing the prohibition under sub-
11 section (a) unless the action has been presented in
12 accordance with the procedure set forth in para-
13 graph (2).

14 “(2) An action shall be deemed presented for
15 purposes of paragraph (1) if it is—

16 “(A) in writing; and

17 “(B) received by the United States Depart-
18 ment of State on or before 120 days after the
19 date specified in paragraph (3) at—

20 “(i) the headquarters of the United
21 States Department of State in Wash-
22 ington, D.C.; or,

23 “(ii) the Embassy of the United
24 States of America to Nicaragua.

1 “(3) The date to which paragraph (2) refers is
2 a date after enactment of this subsection that is
3 specified by the Secretary of State, in the Sec-
4 retary’s discretion, in a notice published in the Fed-
5 eral Register.”.

6 WAR CRIMES IN AFRICA

7 SEC. 585. (a) The Congress recognizes the important
8 contribution that the democratically elected Government
9 of Nigeria has played in fostering stability in West Africa.

10 (b) The Congress reaffirms its support for the efforts
11 of the International Criminal Tribunal for Rwanda
12 (ICTR) and the Special Court for Sierra Leone (SCSL)
13 to bring to justice individuals responsible for war crimes
14 and crimes against humanity in a timely manner.

15 (c) Funds appropriated by this Act, including funds
16 for debt restructuring, may be made available for assist-
17 ance to the central government of a country in which indi-
18 viduals indicted by ICTR and SCSL are credibly alleged
19 to be living, if the Secretary of State determines and re-
20 ports to the Committees on Appropriations that such gov-
21 ernment is cooperating with ICTR and SCSL, including
22 the surrender and transfer of indictees in a timely manner:
23 *Provided*, That this subsection shall not apply to assist-
24 ance provided under section 551 of the Foreign Assistance
25 Act of 1961 or to project assistance under title II of this
26 Act: *Provided further*, That the United States shall use

1 its voice and vote in the United Nations Security Council
2 to fully support efforts by ICTR and SCSL to bring to
3 justice individuals indicted by such tribunals in a timely
4 manner.

5 (d) The prohibition in subsection (c) may be waived
6 on a country by country basis if the President determines
7 that doing so is in the national security interest of the
8 United States: *Provided*, That prior to exercising such
9 waiver authority, the President shall submit a report to
10 the Committees on Appropriations, in classified form if
11 necessary, on (1) the steps being taken to obtain the co-
12 operation of the government in surrendering the indictee
13 in question to SCSL or ICTR; (2) a strategy for bringing
14 the indictee before ICTR or SCSL; and (3) the justifica-
15 tion for exercising the waiver authority.

16 ADMISSION OF REFUGEES

17 SEC. 586. (a) The Secretary of State shall utilize pri-
18 vate voluntary organizations with expertise in the protec-
19 tion needs of refugees in the processing of refugees over-
20 seas for admission and resettlement to the United States,
21 and shall utilize such agencies in addition to the United
22 Nations High Commissioner for Refugees in the identifica-
23 tion and referral of refugees.

24 (b) The Secretary of State should maintain a system
25 for accepting referrals of appropriate candidates for reset-

1 tlement from local private, voluntary organizations and
2 work to ensure that particularly vulnerable refugee groups
3 receive special consideration for admission into the United
4 States, including—

- 5 (1) long-stayers in countries of first asylum;
- 6 (2) unaccompanied refugee minors;
- 7 (3) refugees outside traditional camp settings;
- 8 and
- 9 (4) refugees in woman-headed households.

10 (c) The Secretary of State shall give special consider-
11 ation to—

- 12 (1) refugees of all nationalities who have close
13 family ties to citizens and residents of the United
14 States; and
- 15 (2) other groups of refugees who are of special
16 concern to the United States.

17 CODE OF CONDUCT

18 SEC. 587. (a) None of the funds made available by
19 title II under the heading “Migration and Refugee Assist-
20 ance” or “Transition Initiatives” to provide assistance to
21 refugees or internally displaced persons may be provided
22 to an organization that has failed to adopt a code of con-
23 duct consistent with the Inter-Agency Standing Com-
24 mittee Task Force on Protection From Sexual Exploi-
25 tation and Abuse in Humanitarian Crises six core prin-

1 ciples for the protection of beneficiaries of humanitarian
2 assistance.

3 (b) In administering the amounts made available for
4 the accounts described in subsection (a), the Secretary of
5 State and Administrator of the United States Agency for
6 International Development shall incorporate specific poli-
7 cies and programs for the purpose of identifying specific
8 needs of, and particular threats to, women and children
9 at the various stages of humanitarian emergencies, espe-
10 cially at the onset of such emergency.

11 UNITED STATES AGENCY FOR INTERNATIONAL
12 DEVELOPMENT HIRING AUTHORITY

13 SEC. 588. (a) AUTHORITY.—Up to \$37,500,000 of
14 the funds made available in this Act to carry out the provi-
15 sions of part I of the Foreign Assistance Act of 1961, in-
16 cluding funds appropriated under the heading “Assistance
17 for Eastern Europe and the Baltic States”, may be used
18 by the United States Agency for International Develop-
19 ment (USAID) to hire and employ individuals in the
20 United States and overseas on a limited appointment basis
21 pursuant to the authority of sections 308 and 309 of the
22 Foreign Service Act of 1980.

23 (b) RESTRICTIONS.—

24 (1) The number of individuals hired in any fis-
25 cal year pursuant to the authority contained in sub-
26 section (a) may not exceed 175, of which not more

1 than 75 may be hired for employment in the United
2 States.

3 (2) The authority to hire individuals contained
4 in subsection (a) shall expire on September 30,
5 2007.

6 (c) CONDITIONS.—The authority of this section may
7 only be used—

8 (1) to the extent that an equivalent number of
9 positions that are filled by personal services contrac-
10 tors or other nondirect-hire employees of USAID,
11 who are compensated with funds appropriated to
12 carry out part I of the Foreign Assistance Act of
13 1961, including funds appropriated under the head-
14 ing “Assistance for Eastern Europe and the Baltic
15 States”, are eliminated; and

16 (2) after consultations between the Committees
17 on Appropriations and the USAID Administrator on
18 the implementation of this section and USAID work
19 force issues more generally.

20 (d) PRIORITY SECTORS.—In exercising the authority
21 of this section, primary emphasis shall be placed on ena-
22 bling USAID to meet personnel positions in technical skill
23 areas currently encumbered by contractor or other non-
24 direct-hire personnel.

1 (e) CONSULTATIONS.—After the initial consultations
2 required by subsection (c)(2), the USAID Administrator
3 shall consult with the Committees on Appropriations at
4 least on a quarterly basis thereafter concerning the imple-
5 mentation of this section.

6 (f) PROGRAM ACCOUNT CHARGED.—The account
7 charged for the cost of an individual hired and employed
8 under the authority of this section shall be the account
9 to which such individual's responsibilities primarily relate.
10 Funds made available to carry out this section may be
11 transferred to and merged and consolidated with funds ap-
12 propriated for "Operating Expenses of the United States
13 Agency for International Development".

14 (g) RELATION TO PRIOR LAW.—Upon completion of
15 the consultations required by subsection (c)(2), the au-
16 thority contained in this section shall supersede the au-
17 thority contained in section 525 of the Foreign Oper-
18 ations, Export Financing, and Related Programs Appro-
19 priations Act, 2004.

20 (h) DISASTER SURGE CAPACITY.—Funds appro-
21 priated by this Act to carry out part I of the Foreign As-
22 sistance Act of 1961, including funds appropriated under
23 the heading "Assistance for Eastern Europe and the Bal-
24 tic States", may be used, in addition to funds otherwise
25 available for such purposes, for the cost (including the

1 support costs) of individuals detailed to or employed by
2 the United States Agency for International Development
3 whose primary responsibility is to carry out programs in
4 response to natural disasters.

5 OVERSEAS PRIVATE INVESTMENT CORPORATION AND
6 EXPORT-IMPORT BANK RESTRICTIONS

7 SEC. 589. (a) LIMITATION ON USE OF FUNDS BY
8 OPIC.—None of the funds made available in this Act may
9 be used by the Overseas Private Investment Corporation
10 to insure, reinsure, guarantee, or finance any investment
11 in connection with a project involving the mining,
12 polishing or other processing, or sale of diamonds in a
13 country that fails to meet the requirements of subsection
14 (c).

15 (b) LIMITATION ON USE OF FUNDS BY THE EXPORT-
16 IMPORT BANK.—None of the funds made available in this
17 Act may be used by the Export-Import Bank of the United
18 States to guarantee, insure, extend credit, or participate
19 in an extension of credit in connection with the export of
20 any goods to a country for use in an enterprise involving
21 the mining, polishing or other processing, or sale of dia-
22 monds in a country that fails to meet the requirements
23 of subsection (c).

24 (c) REQUIREMENTS.—The requirements referred to
25 in subsections (a) and (b) are that the country concerned
26 is implementing the recommendations, obligations and re-

1 quirements developed by the Kimberley Process on conflict
2 diamonds.

3 SECURITY IN ASIA

4 SEC. 590. (a) INDONESIA.—Funds made available for
5 assistance for Indonesia under the heading “Foreign Mili-
6 tary Financing Program” may be made available for as-
7 sistance for the Indonesian navy notwithstanding section
8 ~~575~~ of this Act if the Secretary of State reports to the
9 Committees on Appropriations that the Indonesian navy
10 is not violating human rights and is cooperating with civil-
11 ian judicial authorities on cases involving human rights
12 violations: *Provided*, That such funds may only be made
13 available for assistance for the Indonesian navy for the
14 purposes of enhancing maritime security: *Provided further*,
15 That such funds shall be made available subject to the
16 regular notification procedures of the Committees on Ap-
17 propriations.

18 (b) CAMBODIA.—Funds made available for assistance
19 for Cambodia under the heading “Foreign Military Fi-
20 nancing Program” may be made available notwithstanding
21 section 554 of this Act: *Provided*, That such funds shall
22 only be made available subject to the regular notification
23 procedures of the Committees on Appropriations.

24 (c) NEPAL.—

25 (1) The Congress deplores and condemns the
26 Maoist insurgency in Nepal which has engaged in

1 widespread atrocities against civilians and Nepalese
2 security forces, and calls on other nations to de-
3 nounce these vicious acts.

4 (2) Funds appropriated under the heading
5 “Foreign Military Financing Program” may be
6 made available for assistance for Nepal if the Sec-
7 retary of State reports to the Committees on Appro-
8 priations that the Government of Nepal:

9 (A) has determined the number of and is
10 making substantial progress in complying with
11 habeas corpus orders issued by the Supreme
12 Court of Nepal, including all outstanding or-
13 ders;

14 (B) is cooperating with the National
15 Human Rights Commission of Nepal and ~~other~~
16 ~~human rights organizations~~ to identify and re-
17 solve all security related cases involving individ-
18 uals in government custody;

19 (C) is granting the National Human
20 Rights Commission of Nepal and ~~other human~~
21 ~~rights organizations~~ unimpeded access to all
22 places of detention; and

23 (D) is taking effective steps to end torture
24 by security forces and to prosecute members of

1 such forces who are responsible for gross viola-
2 tions of human rights.

3 (3) The Secretary of State may waive the re-
4 quirements of subsection (e) if he determines and re-
5 ports to the Committees on Appropriations that to
6 do so is in the national security interests of the
7 United States.

paragraph
(2)

8 HIPC DEBT REDUCTION AND TRUST FUND

9 SEC. 591. (a) Section 801(b)(1) of Public Law 106-
10 429 is amended—

11 (1) by inserting “(i)” after “appropriated”; and

12 (2) by inserting before the period “; and (ii) for
13 fiscal years 2004–2006, not more than
14 \$150,000,000, for purposes of additional United
15 States contributions to the HIPC Trust Fund ad-
16 ministered by the Bank, which are authorized to re-
17 main available until expended”.

18 (b) Section 501(i) of Public Law 106–113 is amended
19 by deleting “2003–2004” and inserting in lieu thereof
20 “2000–2006”.

21 COMPLIANCE WITH THE ALGIERS AGREEMENTS

22 SEC. 592. None of the funds appropriated by this Act
23 may be made available for assistance for the central Gov-
24 ernments of Ethiopia or Eritrea unless the Secretary of
25 State certifies and reports to the Committees on Appro-
26 priations that such government is taking steps to comply

1 with the terms of the Algiers Agreements: *Provided*, That
2 this section shall not apply to democracy, rule of law,
3 peacekeeping programs and activities, child survival and
4 health, basic education, and agriculture programs: *Pro-*
5 *vided further*, That the Secretary may waive the require-
6 ments of this section if he determines that to do so is in
7 the national security interests of the United States.

8 ADMINISTRATIVE PROVISIONS RELATED TO

9 MULTILATERAL DEVELOPMENT BANKS

10 SEC. 593. (a) Section 1307 of the International Fi-
11 nancial Institutions Act (22 U.S.C. 262m-7) is amend-
12 ed—

13 (1) by striking subsection (a) and inserting the fol-
14 lowing:

15 “(a) ASSESSMENT REQUIRED BEFORE FAVORABLE
16 VOTE ON PROPOSAL.—The Secretary of the Treasury
17 shall instruct the United States Executive Director of each
18 multilateral development bank not to vote in favor of any
19 proposal (including but not limited to any kind of pro-
20 posed loan, credit, grant, guarantee, or policy) which
21 would result or be likely to result in a significant impact
22 on the environment, unless the Secretary, after consulta-
23 tion with the Secretary of State and the Administrators
24 of the United States Agency for International Develop-
25 ment and the Environmental Protection Agency, deter-

1 mines that for at least 120 days before the date of the
2 vote—

3 “(1) an assessment analyzing the environmental
4 impacts of the proposal, including associated and cu-
5 mulative impacts, and of alternatives to the pro-
6 posal, has been completed by the borrower or the
7 bank, and has been made available to the board of
8 directors of the bank;

9 “(2) the assessment (or a comprehensive sum-
10 mary of the assessment) and copies of any related
11 draft loan, credit, grant, guarantee, or policy (with
12 proprietary information redacted) have been made
13 available to the bank, affected groups, and local non-
14 governmental organizations; and

15 “(3) environment and development agencies of
16 the member countries of the bank are notified that
17 the assessment (or a comprehensive summary of the
18 assessment) and any related draft loan, credit,
19 grant, guarantee, or policy are available on the
20 bank’s website.”; and

21 (2) by striking subsection (g) and inserting the fol-
22 lowing:

23 “(g) MULTILATERAL DEVELOPMENT BANK DE-
24 FINED.—In this title, the term ‘multilateral development
25 bank’ means the International Bank for Reconstruction

1 and Development, the European Bank for Reconstruction
2 and Development, the International Development Associa-
3 tion, the International Finance Corporation, the Multilat-
4 eral Investment Guarantee Agency, the African Develop-
5 ment Bank, the African Development Fund, the Asian De-
6 velopment Bank, the North American Development Bank,
7 the Inter-American Development Bank, the Inter-Amer-
8 ican Investment Corporation, any other institution (other
9 than the International Monetary Fund) specified in sec-
10 tion 1701(c)(2), and any subsidiary of any such institu-
11 tion, and in section 1504, the term 'multilateral develop-
12 ment institution' includes the North American Develop-
13 ment Bank and any such subsidiary."

14 (b) Section 1303(b) of the International Financial In-
15 stitutions Act (22 U.S.C. 262m-7) is amended by striking
16 "International Bank for Reconstruction and Development,
17 the Inter-American Development Bank, the Asian Develop-
18 opment Bank, and the African Development Bank" and
19 inserting in lieu thereof "multilateral development banks".

20 (c) Not more than 180 days after the date of enact-
21 ment of this Act, the Secretary of the Treasury shall issue
22 temporary regulations to implement title XIII of the Inter-
23 national Financial Institutions Act, as amended, and,
24 after public notice and comment, final regulations not
25 more than one year thereafter.

Insert 174a and
174b

174a

(a) Section 1307 of the International Financial Institutions Act (22 U.S.C. 262m-7) is amended –
(1) by striking subsection (a) and inserting the following:

"(a) ASSESSMENT REQUIRED BEFORE FAVORABLE VOTE ON PROPOSAL. – The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank not to vote in favor of any proposed action (including but not limited to any loan, credit, grant, or guarantee) which would result or be likely to result in significant impact on the environment, unless the Secretary, after consultation with the Secretary of State and the Administrators of the United States Agency for International Development and the Environmental Protection Agency, determines that for at least 120 days before the date of the vote –

"(1) an assessment analyzing the environmental impacts of the proposed action, including associated and cumulative impacts, and of alternatives to the proposed action, has been completed by the borrower or the bank and has been made available to the board of directors of the bank; and

"(2) such assessment or a comprehensive summary of the assessment (with proprietary information redacted) has been made available to affected groups and local nongovernmental organizations and notice of its availability in the country and at the bank has been posted on the bank's website."; and

(2) by striking subsection (g) and inserting the following:

"(g) MULTILATERAL DEVELOPMENT BANK DEFINED – In this title, the term "multilateral development bank" means the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, the Inter-American Investment Corporation, the North American Development Bank, any other institution (other than the International Monetary Fund) specified in section 1701(c)(2), and any subsidiary of any such institution, and in section 1504, the term "multilateral development institution" includes the North American Development Bank and any such subsidiary."

(b) Section 1303(b) of the International Financial Institutions Act (22 U.S.C. 262m-2(b)) is amended --

(1) by inserting "(1)" after "(b)" and replacing "International Bank for Reconstruction and Development, the Inter- American Development Bank, the Asian Development Bank the African Development Bank" with the phrase "multilateral development banks as defined in section 1307(g)"; and

(2) by inserting at the end of subsection (b) the following text:

"(2) The Secretary of the Treasury shall instruct such Executive Directors to work with other

1746

countries' Executive Directors and multilateral development bank management to:

"(A) (a) improve the procedures of each multilateral development bank for providing its board of directors with a complete and accurate record regarding public consultation before they vote on proposed projects with significant environmental implications; and

"(B) (b) revise bank procedures to consistently require public consultation on operational policy proposals or revisions that have significant environmental or social implications.

"(3) Progress under this subsection (b) shall be incorporated into Treasury's required annual report to Congress on the environmental performance of the multilateral development banks." e

VIETNAMESE REFUGEES

1

2 SEC. 594. (a) ELIGIBILITY FOR IN-COUNTRY REF-
3 UGEE PROCESSING IN VIETNAM.—For purposes of eligi-
4 bility for in-country refugee processing for nationals of
5 Vietnam during fiscal years 2004 and 2005, an alien de-
6 scribed in subsection (b) shall be considered to be a ref-
7 ugee of special humanitarian concern to the United States
8 (within the meaning of section 207 of the Immigration and
9 Nationality Act (8 U.S.C. 1157)) and shall be admitted
10 to the United States for resettlement if the alien would
11 be admissible as an immigrant under the Immigration and
12 Nationality Act (except as provided in section 207(c)(3)
13 of that Act).

14 (b) ALIENS COVERED.—An alien described in this
15 subsection is an alien who—

16 (1) is the son or daughter of a qualified na-
17 tional;

18 (2) is 21 years of age or older; and

19 (3) was unmarried as of the date of acceptance
20 of the alien's parent for resettlement under the Or-
21 derly Departure Program or through the United
22 States Consulate General in Ho Chi Minh City.

23 (c) QUALIFIED NATIONAL.—The term “qualified na-
24 tional” in subsection (b)(1) means a national of Vietnam
25 who—

1 (1)(A) was formerly interned in a re-education
2 camp in Vietnam by the Government of the Socialist
3 Republic of Vietnam; or

4 (B) is the widow or widower of an individual
5 described in subparagraph (A);

6 (2)(A) qualified for refugee processing under
7 the Orderly Departure Program re-education sub-
8 program; and

9 (B) is or was accepted under the Orderly De-
10 parture Program or through the United States Con-
11 sulate General in Ho Chi Minh City—

12 (i) for resettlement as a refugee; or

13 (ii) for admission to the United States as
14 an immediate relative immigrant; and

15 (3)(A) is presently maintaining a residence in
16 the United States or whose surviving spouse is pres-
17 ently maintaining such a residence; or

18 (B) was approved for refugee resettlement or
19 immigrant visa processing and is awaiting departure
20 formalities from Vietnam or whose surviving spouse
21 is awaiting such departure formalities.

22 JOINT EXPLANATORY STATEMENT

23 SEC. 595. (a) Funds provided in this Act for the fol-
24 lowing accounts shall be made available for programs and
25 countries in the amounts contained in the respective ta-

1 bles included in the joint explanatory statement of man-
2 agers accompanying this Act:

3 “Economic Support Fund”;

4 “Assistance for Eastern Europe and the Baltic
5 States”;

6 “Assistance for the Independent States of the
7 Former Soviet Union”;

8 “Andean Counterdrug Initiative”;

9 “Nonproliferation, Anti-Terrorism, Demining
10 and Related Programs”;

11 “Foreign Military Financing Program”; and

12 “International Organizations and Programs”.

13 (b) Any proposed increases or decreases to the
14 amounts contained in such tables in the joint explanatory
15 statement of managers shall be subject to the regular noti-
16 fication procedures of the Committees on Appropriations
17 and section 634A of the Foreign Assistance Act of 1961.

18 ~~ASSISTANCE FOR FOREIGN NONGOVERNMENTAL~~

19 ORGANIZATIONS

20 SEC. 596. Notwithstanding any other provision of
21 law, regulation, or policy, in determining eligibility for as-
22 sistance authorized under part I of the Foreign Assistance
23 Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovern-
24 mental organizations—

25 (1) shall not be ineligible for such assistance
26 ~~solely on the basis of health or medical services in-~~

1 ~~cluding counseling and referral services, provided by~~
2 such organizations with non-United States Govern-
3 ment funds if such services do not violate the laws
4 of the country in which they are being provided and
5 would not violate United States Federal law if pro-
6 vided in the United States; and

7 (2) shall not be subject to requirements relating
8 to the use of non-United States Government funds
9 for advocacy and lobbying activities other than those
10 that apply to United States nongovernmental organi-
11 zations receiving assistance under part I of such
12 Act.]

13 This Act² may be cited as the "Foreign Operations,
14 Export Financing, and Related Programs Appropriations
15 Act, 2005".

(division